

United States
Circuit Court of Appeals
For the Ninth Circuit. //

ROBERT DeSHAY LEE,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

Upon Appeal from the District Court of the United
States for the Western District of Washington,
Northern Division.

FILED

MAY 17 1933

PAUL P. O'BRIEN,

CLERK

United States
Circuit Court of Appeals

For the Ninth Circuit.

ROBERT DeSHAY LEE,

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UNITED STATES OF AMERICA,

Appellee.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF COUNSEL.

GEORGE H. CRANDELL, Esq.,

Attorney for Appellant,
1702 Smith Tower,
Seattle, Washington.

J. CHARLES DENNIS, Esq.,

Attorney for Appellee,
222 Post Office Bldg.,
Seattle, Washington.

FRANK A. PELLEGRINI, Esq.,

Attorney for Appellee,
222 Post Office Bldg.,
Seattle, Washington. [1*]

*Page numbering appearing at the foot of page of original certified Transcript of Record.

United States District Court, Western District of
Washington, Northern Division.

May Term, 1938.

No. 44836.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VERNON PAUL GREEN,
JEAN GREEN,

alias Genevieve Scott,

SHERMAN JOHNSON,

alias Ben Purvis,

alias Ben Purvine,

ROBERT DeSHAY LEE,

alias Sunnie Lee,

alias Robert Dobson,

alias Robert Ambrose,

JAMES BARKER, and

MARIE HARRIS,

alias Marie Lloyd,

alias "Johnnie",

Defendants.

INDICTMENT.

Vio. Section 88, Title 18, U. S. C. A., conspiracy to
violate Section 398, Title 18, U. S. C. A.; and
vio. Section 398, Title 18, U. S. C. A.

United States of America,
Western District of Washington,
Northern Division—ss:

The grand jurors of the United States of America being duly selected, impaneled, sworn, and charged to inquire within and for the Northern Division of the Western District of Washington, upon their oaths present: [2]

Count I.

That Vernon Paul Green, Jean Green, alias Genevieve Scott, Sherman Johnson, alias Ben Purvis, alias Ben Purvine, Robert DeShay Lee, alias Summie Lee, alias Robert Dobson, alias Robert Ambrose, James Barker, and Marie Harris, alias Marie Lloyd, alias "Johnnie", whose true and full names are to the Grand Jurors unknown, and each of them, during a period of time extending from on or about the fourth day of July, in the year of our Lord one thousand nine hundred thirty-six, to on or about the sixteenth day of July, in the year of our Lord one thousand nine hundred thirty-seven, the exact time and place of the formation or end of the said conspiracy being to the Grand Jurors unknown, at Seattle, in the Northern Division of the Western District of Washington, and within the jurisdiction of this Court, then and there being, and at divers other places to the Grand Jurors unknown, did knowingly, wilfully, unlawfully and feloniously combine, conspire, confederate and agree together, and with each other, and together with sundry and divers other persons to the Grand Jurors unknown,

to commit certain offenses against the United States of America, to-wit, to knowingly, wilfully, unlawfully and feloniously transport and cause to be transported, and to aid and assist in obtaining transportation for and in transporting, certain women in interstate commerce from the City of Portland, in the State of Oregon, to the City of Seattle, in the Division and District aforesaid, and from the City of Seattle, in the Division and District aforesaid, to the City of Portland, in the State of Oregon, for the purpose of prostitution, debauchery, [3] concubinage and other immoral practices, that is to say, contrary to the provisions of Section 398, Title 18 United States Code Annotated; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of the aforesaid conspiracy, and during the continuation of the same, and before the finding of this indictment, and in pursuance of said conspiracy, and in order to effect the objects thereof, and to execute and perform said unlawful agreement and conspiracy, said conspirators, by and through themselves and others with whom they did so conspire, confederate and agree together, did commit various and sundry overt acts in furtherance and in pursuance of said conspiracy, and in order to effect the objects thereof, and to execute said unlawful agreement, within the North-

ern Division of the Western District of Washington, and within the jurisdiction of the United States District Court for said Division and District, and elsewhere, all as hereinafter more particularly set forth, to-wit:

Overt Acts

1. That on or about July 8, 1936, at the City of Portland, in the State of Oregon, the defendants Vernon Paul Green and Sherman Johnson, alias Ben Purvis, alias Ben Purvine, conferred with the defendant Marie Harris, alias Marie Lloyd, alias "Johnnie".

2. That on or about July 8, 1936, at the City of Portland, in the State of Oregon, the defendants Vernon Paul [4] Green, Sherman Johnson, alias Ben Purvis, alias Ben Purvine, and Marie Harris, alias Marie Lloyd, alias "Johnnie", conferred with one June Allen, alias June Woods, relative to the said June Allen, alias June Woods, coming to the City of Seattle, in the Northern Division of the Western District of Washington, for the purpose of practicing prostitution.

3. That on or about July 8, 1936, the defendants Vernon Paul Green and Sherman Johnson, alias Ben Purvis, alias Ben Purvine, transported June Allen, alias June Woods, in an automobile from the City of Portland, in the State of Oregon, to the City of Seattle, in the Northern Division of the Western District of Washington.

4. That on or about July 8, 1936, the defendants Vernon Paul Green and Jean Green, alias Gene-

vieve Scott, operated a house of prostitution located at 919 Washington Street, in the City of Seattle, in the Northern Division of the Western District of Washington.

5. That on or about July 9, 1936, at Seattle, in the Northern Division of the Western District of Washington, the defendant Jean Green, alias Genevieve Scott, conferred with the said June Allen, alias June Woods, relative to the practice of prostitution at 919 Washington Street, in the City of Seattle, in the Division and District aforesaid.

6. That on or about July 9, 1936, at Seattle, in the Northern Division of the Western District of Washington, the defendant Jean Green, alias Genevieve Scott, introduced June Allen, alias June Woods, to the defendant James Barker.

7. That on or about July 15, 1936, at Seattle, in the Northern Division of the Western District of Washington, [5] June Allen, alias June Woods, paid to the defendant James Barker, a portion of her earnings as a prostitute.

8. That on or about July 19, 1936, the defendant James Barker transported the said June Allen, alias June Woods, from the City of Seattle, in the Northern Division of the Western District of Washington, to the City of Portland, in the State of Oregon.

9. That on or about July 20, 1936, the defendant James Barker transported the said June Allen, alias June Woods, from the City of Portland, in the

State of Oregon, to the City of Seattle, in the Northern Division of the Western District of Washington.

10. That on or about August 4, 1936, at Seattle, in the Northern Division of the Western District of Washington, the defendant Jean Green, alias Genevieve Scott, introduced June Allen, alias June Woods, to the defendant Robert DeShay Lee, alias Sunnie Lee, alias Robert Dobson.

11. That on or about September 17, 1936, at Seattle, in the Northern Division of the Western District of Washington, June Allen, alias June Woods, paid to the Defendant Robert DeShay Lee, alias Sunnie Lee, alias Robert Dobson, monies, the exact amount being to the Grand Jurors unknown, which the said June Allen, alias June Woods, had earned practicing prostitution at the house of prostitution located at 919 Washington Street, in the City of Seattle, in the Division and District aforesaid, and operated by the defendants Vernon Paul Green and Jean Green, alias Genevieve Scott.

12. That on or about October 15, 1936, the defendant Robert DeShay Lee, alias Sunnie Lee, alias Robert Dobson, transported June Allen, alias June Woods, from the City of Seattle, in the Northern Division of the Western [6] District of Washington, to the City of Portland, in the State of Oregon.

13. That on or about May 30, 1937, the defendant Jean Green, alias Genevieve Scott, transported June Allen, alias June Woods, in interstate commerce from the City of Portland, in the State of

Oregon, to the City of Seattle, in the Northern Division of the Western District of Washington.

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present:

Count II.

That Vernon Paul Green, Jean Green, alias Genevieve Scott, Sherman Johnson, alias Ben Purvis, alias Ben Purvine, Robert DeShay Lee, alias Sunnie Lee, alias Robert Dobson, alias Robert Ambrose, James Barker, and Marie Harris, alias Marie Lloyd, alias "Johnnie", whose true and full names are to the Grand Jurors unknown, and each of them, on or about the eighth day of July, in the year of our Lord one thousand nine hundred thirty-six, at Seattle, in the Northern Division of the Western District of Washington, and within the jurisdiction of this Court, then and there being, did then and there knowingly, wilfully, unlawfully and feloniously transport, and cause to be transported, and did aid and assist in obtaining transportation for a certain woman, to-wit: June Allen, alias June Woods, in interstate commerce, from the City of Portland, in the State of Oregon, to the City of [7] Seattle, in the Division and District aforesaid, for immoral purposes, to-wit, for the purpose of prostitution, debauchery, concubinage and other immoral purposes at the City of Seattle, in the Division and District aforesaid; contrary to the form of the stat-

ute in such case made and provided, and against the peace and dignity of the United States of America.

J. CHARLES DENNIS

United States Attorney.

F. A. PELLEGRINI,

Assistant United States Attorney.

[Endorsed]: A true bill. Edward C. Oldfin, Foreman.

(Sgd.) J. CHARLES DENNIS.

[Endorsed]: Presented to the Court by the Foreman of the Grand Jury in open Court, in the presence of the Grand Jury, and Filed in the U. S. District Court Sept. 17, 1938. Elmer Dover, Clerk, By Truman Egger, Deputy. [8]

[Title of District Court and Cause.]

ARRAIGNMENT AND PLEA.

Now on this 23rd day of September, 1938, F. A. Pellegrini, Assistant United States District Attorney appearing for the plaintiff, the defendant Robert DeShay Lee, alias Sunnie Lee, alias Robert Dobson, alias Robert Ambrose, appears in open court for arraignment accompanied by his counsel H. L. Onstad, and answers that his true name is Robert DeShay Lee. The defendant waives the formal reading of the indictment and now enters a plea of not guilty as charged in the indictment.

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[Title of District Court and Cause.]

VERDICT

We, the Jury in the Above-Entitled Cause, Find the defendant Vernon Paul Green is guilty as charged in Count I of the Indictment herein;
is guilty as charged in Count II of the Indictment herein;
and further find the defendant Genevieve Green is guilty as charged in Count I of the Indictment herein;
is guilty as charged in Count II of the Indictment herein;
and further find the defendant Sherman Johnson not guilty as charged in Count I of the Indictment herein;
not guilty as charged in Count II of the Indictment herein;
and further find the defendant Robert DeShay Lee is guilty as charged in Count I of the Indictment herein;
not guilty as charged in Count II of the Indictment herein;
and further find the defendant James Barker not guilty as charged in Count I of the Indictment herein;
not guilty as charged in Count II of the Indictment herein.

CHARLES W. BROOKS,

Foreman.

[Endorsed]: Filed Oct. 27, 1938. [10]

[Title of District Court and Cause.]

ORDER EXTENDING TIME FOR PRESEN-
TATION AND ARGUMENT OF MOTION
FOR NEW TRIAL.

The above entitled matter coming on for hearing on an oral motion by the defendants Vernon Paul Green, Jean Green, alias Genevieve Scott, and Robert DeShay Lee, alias Sunnie Lee, alias Robert Dobson, alias Robert Ambrose, and each of them, for an order extending the time and the present term of court for presentation and argument of the motion for a new trial, the defendants being in court in person and represented by their attorney, Geo. H. Crandell, the plaintiff being represented by United States Deputy Attorney, F. A. Pellegrini, and the Court being fully advised in the premises, it is

Ordered that the present term of court be deemed extended to the 5th day of November, 1938 for presentation and argument of motion for a new trial in the above entitled cause, and this cause for hearing said motion and the imposition of judgment and sentence upon said defendants is hereby continued to November 5, 1938, at 10 o'clock a. m.

Done in Open Court this 29th day of October, 1938.

JOHN C. BOWEN,
Judge.

Presented by:

GEO. H. CRANDELL

Attorney for Defendants.

[Endorsed]: Filed Oct. 29, 1938. [101½]

[Title of District Court and Cause.]

MOTION FOR NEW TRIAL

Come Now the defendants, Vernon Paul Green, Jean Green, alias Genevieve Scott, and Robert DeShay Lee, alias Sunnie Lee, alias Robert Dobson, alias Robert Ambrose, and each of them, and move the Court for an order granting to them a new trial in the above entitled cause for the following reasons:

1. Irregularity in the proceedings of the Court, jury and the plaintiff, and in the orders of the Court by which the defendants were prevented from having a fair trial.

2. Misconduct of the plaintiff and jury.

3. Accident and surprise which ordinary prudence could not have guarded against.

4. Insufficiency of the evidence to justify the verdict of the jury, and that such verdict is against the law.

5. Error in law occurring at the trial and excepted to at the time by defendants. [11]

6. That the Court upon the trial admitted incompetent evidence offered by the defendants.

7. That the Court upon the trial excluded competent evidence offered by the defendants.

8. That the Court improperly instructed the jury to the defendants' prejudice.

9. That the Court improperly refused, to defendants' prejudice, to give correct instructions tendered by the defendants.

10. The Court erred in refusing to direct a verdict of not guilty at the close of the Government's case.

11. The Court erred in refusing to direct a verdict of not guilty at the close of all the evidence.

This motion is based upon the files, records and proceedings herein.

GEO. H. CRANDELL

Attorney for Defendants.

Received a copy of the within motion for new trial this 28th day of October, 1938.

Attorney for Plaintiff.

Received a copy of the within Motion this 28th day of Oct. 1938.

J. CHARLES DENNIS,

Attorney for U. S.

[Endorsed]: Filed Oct. 28, 1938. [12]

[Title of District Court and Cause.]

(MOTIONS FOR NEW TRIAL DENIED.)

Now on this 5th day of November, 1938, F. A. Pellegrini, Assistant United States District Attorney appearing for the plaintiff, the defendants Vernon Paul Green, Genevieve Green and Robert DeShay Lee are in court, accompanied by their attorney, George H. Crandell, for hearing on motion of the defendants for a new trial. The motion is

argued, and denied as to each defendant. Exception is taken and allowed as to each defendant.

Journal No. 26.

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United States District Court, Western District of
Washington, Northern Division.

No. 44836

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT DeSHAY LEE,

Defendant.

JUDGMENT AND SENTENCE.

Comes now on this 5th day of November, 1938, the said defendant Robert DeShay Lee, into open Court for sentence, and being informed by the Court of the charges herein against him and of his conviction of record herein, he is asked whether he has any legal cause to show why sentence should not be passed and judgment had against him, and he nothing says, save as he before hath said.

Wherefore, by reason of the law and the premises, it is

Considered, Ordered and Adjudged by the Court that the said defendant Robert DeShay Lee, is guilty as charged in Count I of the Indictment, and that he be committed to the custody of the Attorney General of the United States for imprisonment in

the United States Penitentiary at McNeil Island, Washington, or in such other like institution as the Attorney General of the United States or his authorized representative may by law designate, for the period of one year and one day. [14]

And the said defendant is hereby remanded into the custody of the United States Marshal for this District for delivery to the Warden of the United States Penitentiary at McNeil Island, Washington, for the purpose of executing said sentence. This judgment and sentence for all purposes shall take the place of a commitment, and be recognized by the Warden or Keeper of any Federal Penal Institution as such, to all of which this defendant excepts and his exception is allowed. Upon application of this defendant and consent of surety, over objection of U. S. Attorney, the execution of judgment and commitment thereunder as to said defendant is hereby stayed until November 7, 1938 at 10 o'clock a. m.

Done in Open Court this 5th day of November, 1938.

JOHN C. BOWEN

United States District Judge

Presented by:

F. A. PELLEGRINI

Asst. United States Attorney.

Violation of Section 88, Title 18, U. S. C. A.,
Conspiracy to violate Section 398, Title 18, U. S.
C. A. (Conspiracy to violate the White Slave Traf-
fic Act.)

[Endorsed]: Filed Nov. 5, 1938. [15]

[Title of District Court and Cause.]

NOTICE OF APPEAL.

Appellant: Robert DeShay Lee,

Address: Seattle, Washington.

Geo. H. Crandell, Attorney for Appellant, 1702
Smith Tower, Seattle, Washington.

Offense: Conspiracy to violate the Mann Act.

Date of Judgment: November 5, 1938.

Brief description of judgment or sentence: That appellant be committed to the Attorney General of the United States for confinement in the United States Penitentiary at McNeil Island, Washington, or a similar institution as he may designate, for a period of one year and one day.

I, the above-named appellant, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above-mentioned on the grounds set forth below. Grounds of appeal:

1. Irregularity in the proceedings of the Court, jury and the plaintiff, and in the orders of the Court by which the appellant was prevented from having a fair trial.

2. Misconduct of the plaintiff and jury.

3. Accident and surprise which ordinary prudence could not have guarded against.

4. Insufficiency of the evidence to justify the verdict of the jury, and that such verdict is against the law.

5. Error in law occurring at the trial and excepted to at the time by appellant.

6. That the Court upon the trial admitted incompetent evidence offered by the appellant.

7. That the Court upon the trial excluded competent evidence offered by the appellant.

8. That the Court improperly instructed the jury to the appellant's prejudice. [16]

9. That the Court improperly refused, to appellant's prejudice, to give correct instructions tendered by the appellant.

10. That the Court erred in refusing to direct a verdict of not guilty at the close of the Government's case.

11. That the Court erred in refusing to direct a verdict of not guilty at the close of all the evidence.

ROBERT DeSHAY LEE,

Appellant.

GEO. H. CRANDELL,

Attorney for Appellant.

Received a copy of the within notice of appeal this 7 day of Nov. 1938.

J. CHARLES DENNIS,

Attorney for Pltff.

[Endorsed]: Filed Nov. 7, 1938. [17]

[Title of District Court and Cause.]

HEARING.

Now on this 16th day of November, 1938, F. A. Pellegrini, Assistant United States District Attorney appearing for the plaintiff, Attorney George H. Crandell appearing for the defendant, hearing re directions on appeal is had. Bill of Exceptions to be lodged with the Clerk on or before November 30, 1938, and time for settling fixed as December 5, 1938. Assignments of Error to be filed prior to Saturday morning this week.

Journal No. 26.

Page 281. [18]

[Title of District Court and Cause.]

ORDER EXTENDING TIME TO SERVE AND
FILE BILL OF EXCEPTIONS.

The above entitled cause coming on this day on motion of the defendant for an extension of time to serve and file its proposed Bill of Exceptions, both plaintiff and defendants being present and the court being fully advised in the premises;

It Is Ordered that the time for the defendant to serve and file its Bill of Exceptions be, and the same is, hereby extended until the 15th day of December, 1938.

Done in Open Court this 1st day of December,
1938.

JOHN C. BOWEN

Judge.

Presented by

GEO. H. CRANDELL

Attorney for defendants Green
and Robert DeShay Lee.

O. K. as to form.

J. CHARLES DENNIS,

U. S. Atty.

[Endorsed]: Filed Dec. 1, 1938. [19]

[Title of District Court and Cause.]

PRAECIPE FOR TRANSCRIPT OF RECORD.

To the Clerk of the above entitled Court:

You are hereby requested to make a transcript of the record in the above entitled cause and transmit the same to the United States Circuit Court of Appeals for the Ninth Circuit, and to include in such transcript of record the following:

1. Indictment;
2. Arraignment and plea;
3. Verdict;
4. Motion for New Trial;
5. Order denying Motion for New Trial;
6. Judgment and sentence;
7. Notice of Appeal;

8. Orders extending time within which to serve and file and settle Bill of Exceptions;
9. Assignments of Error;
10. Praecept.

GEO. H. CRANDELL

Attorney for defendant,
Robert DeShay Lee.

Received a copy of the within Praecept this 19 day of Dec., 1938.

J. CHARLES DENNIS,
Attorney for Pltff.

[Endorsed]: Filed Dec. 19, 1938. [20]

[Title of District Court and Cause.]

CERTIFICATE OF CLERK U. S. DISTRICT
COURT TO TRANSCRIPT OF RECORD
ON APPEAL.

United States of America,
Western District of Washington—ss:

I, Ehner Dover, Clerk of the United States District Court for the Western District of Washington, do hereby certify that the foregoing typewritten transcript of record, consisting of pages numbered from 1 to 20, inclusive, is a full, true and complete copy of so much of the record, papers and other proceedings in the above and foregoing entitled cause, as is required by praecipe of counsel filed and shown herein, as the same remain of record and on file in the office of the Clerk of said District Court at Seattle, and that the same constitute the record

on appeal herein from the judgment of said United States District Court for the Western District of Washington to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify that I transmit herewith as part of the record on appeal in this cause the original Bill of Exceptions and Assignments of Error filed in the cause.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of said District Court at Seattle, in said District, this 30th day of December, 1938.

[Seal]

ELMER DOVER,

Clerk of the United States District Court for the
Western District of Washington,

By TRUMAN EGGER

Deputy. [21]

In the United States Circuit Court of Appeals
for the Ninth Circuit.

No. 44836

ROBERT DeSHAY LEE,
Defendant and Appellant,

vs.

UNITED STATES OF AMERICA,
Plaintiff and Appellee.

ASSIGNMENTS OF ERROR

Comes Now the appellant, Robert DeShay Lee, by his attorney Geo. H. Crandell, and in conformity to the Court's order that Assignments of Errors be served and filed on or before the 19th day of November, 1938, and in connection with appellant's appeal herein, makes the following Assignments of Errors, upon which appellant will rely in the prosecution of his appeal herein, to-wit:

Assignment of Error No. I.

The Court erred in overruling appellant's challenge to the sufficiency of the evidence and motion to direct a verdict in favor of appellant and against the Government of not guilty as to Count I in the indictment, for the reasons that there was no evidence by the Government remotely connecting appellant with the crime charged in Count I of the indictment.

Assignment of Error No. II.

The Court erred in denying appellant's challenge to the sufficiency of the evidence at the close of the entire case and in the refusal of the Court to direct a verdict of "not guilty as to Count I of the indictment" upon the ground and for the reason that there was no evidence, either upon the part of the Government or upon the part of the appellant or at all, remotely connecting appellant with the crime charged in Count I of the indictment. [22]

Assignment of Error No. III.

The Court erred in refusing appellant's requested instruction that the jury return a verdict of not guilty as to appellant on Count I of the indictment.

Assignment of Error No. IV.

The Court erred in refusing to give the jury a cautionary instruction with reference to the testimony of June Allen.

GEO. H. CRANDELL

Attorney for Appellant.

Office & P. O. Address:

1702 Smith Tower,
Seattle, Washington.

Received a copy of the within Assignments of Error this 18th day of Nov., 1938.

J. CHARLES DENNIS,

Attorney for U. S.

[Endorsed]: Filed Nov. 18, 1938. [23]

In the District Court of the United States for the
Western District of Washington, Northern
Division.

No. 44836

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VERNON PAUL GREEN, GENEVIEVE
GREEN, SHERMAN JOHNSON, ROBERT
DESHAY LEE, JAMES BARKER, and
MARIE HARRIS,

Defendants.

BILL OF EXCEPTIONS

Be It Remembered that in the trial of this cause, beginning on the 20th day of October, 1938, and continuing to and including the 26th day of October, 1938, the Hon. John C. Bowen presiding; the plaintiff appearing and being represented by its attorneys, F. A. Pellegrini, Esq., and G. D. Hile, Esq.; the defendants, Vernon Paul Green, Genevieve Green, and Robert DeShay Lee, appearing and being represented by their attorney, George H. Crandell, Esq.; the defendant, Sherman Johnson, appearing and being represented by his attorneys, Mr. William Tucker, Esq., and Mr. Behrman, Esq., and the defendant, James Barker, appearing and being represented by his attorney, Jeffrey Heiman, Esq. The jury being duly impaneled and sworn, the following proceedings were had:

Mr. Pellegrini made an opening statement to the jury on behalf of the plaintiff. Mr. Crandell reserved his opening statement with the consent of the court until the close of the evidence by the plaintiff.

MARIE HARRIS,

being called as a witness on behalf of the plaintiff, being first duly sworn, testified:

Direct Examination

By Mr. Pellegrini:

I live at 1420 North Larabee Street, Portland. I work at Tom Johnson's Chicken Dinner Inn at Portland. I am acquainted with Ben Purvis; have known him six or seven years. He is the one [24] with a red sweater. (Witness identifies Sherman Johnson) I am acquainted with Vernon Paul Green, the man in the brown suit. (The witness identifies Vernon Paul Green) I have known him about two years. I met him at 1420 North Larabee Street, Portland, Oregon. Ben Purvis brought him there some time in July, 1936. He introduced me to Mr. Green and we talked a while. They asked to use the phone. I brought the phone downstairs. They asked me if they could have a girl come over—they wanted to talk with her. I said yes. In about twenty-five minutes June Allen came. I would recognize her. I let her in the front room. She stayed about half an hour and left. Vernon Green

(Testimony of Marie Harris.)

asked me if I had a girl friend, or some girl whom I knew, that I could call up and have her to see him that day. I told him that I did not have any girl friend. He said "that girl that just left is not my girl. I just wanted to talk with her. I have a wife in Seattle. She weighs 195 pounds." I do not know his wife. (Witness identifies June Allen) Green went to the front room and called his wife up. I did not hear the conversation. Then they got ready to leave and said they would probably see me later that afternoon. About 8:30 that evening Ben and Vernon came back to the house. They were there just a short time. The bell rang and it was June Allen. They talked a short time. They all left.

Cross Examination

By Mr. Heiman:

I do not know James Barker. I have never seen him in my life.

Cross Examination

By Mr. Crandell:

I do not know this gentleman (indicating Mr. Lee). I have only seen him since I have been here. I have been working at the Chicken Dinner Inn about five months. Before that I worked at the Kitchen Club. At the time Mr. Green came to my place I got up out of bed to let him in. It was about 10:30 in the morning. I worked [25] at the Kitchen Club at night and took care of the cover charge and check room. I saw him twice that day.

(Testimony of Marie Harris.)

I don't know that June Allen was at my place before that day.

Cross Examination

By Mr. Behrman:

I knew that Sherman Johnson went by the name of Ben Purvis; that he usually used that name in Portland. Do not know what Ben does. Have known him six or seven years. He didn't live at my place but he used to come there and see a girl, one of the entertainers. I don't believe he ever stayed over night. I know Doctor Unthank. Mr. Purvis did not call him for me. Ben brought Mr. Green over to my house that day in July. One man used the telephone. I don't know which one used it. After that, June Allen came and had a conversation with these men. I didn't hear it.

JUNE ALLEN

being called as a witness on behalf of the plaintiff, being first duly sworn, testified:

Direct Examination

By Mr. Pelligrini:

My name is June Allen—my true name is June Woods. I have used the name of June Allen approximately three years. I now reside in the Skagit County Jail. I have been there since the 6th of September, 1938. My occupation is prostitution. I

(Testimony of June Allen.)

have been a prostitute for three years, in Portland, Seattle, Aberdeen and Kelso. I am 21 years old. I have been convicted six times of the crime of practicing prostitution—twice in Portland and four or five times in Seattle. I am acquainted with Vernon Paul Green. He is the man sitting there with glasses on and a brown suit. I know Gene Green, the lady sitting with the woman there in the front row. I know Robert DeShay Lee, the gentleman sitting next to Mr. Green, facing me, with the brown suit. I know James Barker, the gentleman sitting next, closer to me, the man immediately behind Mr. Heiman. I know Ben Purvis or Sherman Johnson, the man [26] with the red sweater.

(The court lets the record show the witness identifies all of the defendants on trial.)

I met Vernon Paul Green first on July 4th, 1936, in the Tokio Cafe on Jackson Street, in Seattle. I was with two friends and another girl and was introduced to Mr. Green. I was with Hazel Sherwood and Ernest Strauder. I next saw Mr. Green on July 8th, 1936, in Portland, Oregon, with Mr. Purvis. That was the first time I had met Mr. Purvis. I met them at 1428 Northeast First Street, Portland, Oregon, where I was living. I was practicing prostitution there. I was introduced to Mr. Purvis at that time. Mr. Green asked me to come to Seattle to practice prostitution. I told him I didn't want to leave Portland. I saw him later that day at 1420 North Larabee Street, at Marie Harris'.

(Testimony of June Allen.)

Mr. Green asked me again to come to Seattle and I talked with him for a while and agreed to come. Marie Harris told Mr. Green that if he could stop me from drinking and running around so much I would be better off in Seattle than in Portland. She told me the same thing. Mr. Purvis was present. I agreed to go and meet him at her home later. I went back to 1428 Northeast First Street to pack my clothes and then I took a taxicab to 1420 North Larabee Street. Mr. Green, Mr. Purvis and I got in Mr. Green's car and started for Seattle. It was a white Ford convertible sedan. I do not know the model. We went to 919 Washington Street, Seattle. We drove directly from Portland to Seattle. Mr. Green drove to near Chehalis; Mr. Purvis drove the rest of the way. At 919 Washington Street we met Mrs. Green. On the way up to Seattle Mr. Green said if I did as he said it would be all right and he thought I could make more money in Seattle than in Portland.

Mrs. Green told me the details of how the house was run. She told me that the girls when they received their money from [27] each man put it in a drawer in the pantry off the kitchen and each night it was separated and I was to get half of it and she was to get half the money, and she was to get fifty cents for day money in addition to the half. We were to buy our own antiseptics and everything. At 919 Washington Street you come in the front door and turn to the left and come in the

(Testimony of June Allen.)

front living room and go straight into the second living room and straight from the second living room to the kitchen, and in the far corner to the right in the kitchen is the pantry. In the pantry there is a drawer that is divided into four slots. The back slot was used to keep the girls' health certificates and the other three slots for the girls' money. Each girl had a slot and puts in money according to the men she has during the day. I dropped my money in the slot where the name is designated on the back of it. The place is locked. The slots are concealed by the bread-board. As you come in the front door there is a flight of stairs to the upper part of the house. There are five rooms upstairs—two bedrooms used as sleeping quarters by Mr. and Mrs. Green. The rest is used by the girls. Mrs. Green's room is furnished quite elaborately. It has a Chaise lounge, a complete bedroom suite and a heavy carpet. The other room has a complete bedroom suite and carpet. The other three rooms used by the girls have a small bed, dresser and chair; there is also a large mirror on the wall alongside the bed. I lived at the Green house off and on for a year. Part of the time I lived at the Marr Hotel and Holland Hotel, both in Seattle.

I started practicing prostitution at 919 Washington Street, Seattle, on July 9th. When I arrived I went upstairs and went to bed. The following day Mrs. Green told me I would have to go to the Doctor's before I could go to work. She called the

(Testimony of June Allen.)

Doctor and told him I was coming. Mr. Green took me down as far as the building in his car. The Doctor's office was in the Fourth and Pike Building. [28] I saw him. His name is Edwin A. Gearhart. I was examined by him. Mrs. Green took my health certificate, put it in the slot with the other girls' cards, and then I went to work on the afternoon of July 9th, 1936. I worked from 12:00 noon until 2:00 o'clock in the morning. I discussed it with Mrs. Green and two other girls, Marie Smith and Marjorie Spencer. They were practicing prostitution at 919 Washington Street, Seattle, Washington. I continued there until July 16th, 1937. Then I left and went back to Portland.

I know James Barker. I met him a little over a week after I came to Seattle. He was visiting Mrs. Green. She told me he was an ex-boy friend of hers. They were drinking in the kitchen. I had a man in my room and had gone to put the money in the pantry and he asked me if I wanted a drink. I told him I didn't. After I let the man out, Mrs. Green told me it would not hurt me to have a drink with him. I didn't take a drink. The following day he called me up and wanted me to go out with him. I went out with him that evening. I started going with him in the evenings after I got off work and the 19th of July I called him up and told him I wanted to go to Portland and get my clothes; that I thought I would go on the bus that night after work and he said if I waited until the next

(Testimony of June Allen.)

day he would take me. He took me as far as Vancouver and I got out of the car and took the bus over into Portland. I told him to meet me at 1428 Northeast First, which he did. I got my clothes packed and he drove me back to Seattle. Up until that time I was keeping my money and spending it. After that I gave it to Mr. Barker every night. I gave him all I made except what I just had to have for myself. The money would be given to me when I got off work. He would meet me in front of the house and on the way down town I would give it to him in the car. This continued until the 18th of August, 1936. On [29] the trip to Portland Mr. Barker was stopped in Tacoma for speeding. He had to go back to the police station and post \$25.00 bail. Then he went down to Vancouver. I see the officer in the court room in a gray suit, the red-haired gentleman. Before getting out of the car at Vancouver I had a conversation with Mr. Barker that he was to meet me in Portland. He said he wasn't going to be caught taking any girls across the line. Mr. Barker drives a 1936 Buick sedan with California license plates.

I am acquainted with Robert DeShay Lee. I met him on the 4th of August, 1936, at 919 Washington Street, in Seattle. He drove past the house and waved at Mrs. Green. She said "Don't wave back at him; that is Sonny Lee and if you do he will be back in half an hour". He came back and asked Mrs. Green who was the girl. She called me to the

(Testimony of June Allen.)

kitchen, introduced me to him, and he asked me to go out with him and I went. He wanted me to move in with him and I told him I was already going with Mr. Barker. I moved in with him on the 15th of August, 1936. I gave him all the money I made. I had a conversation with him the latter part of November, 1936, with reference to my earnings. I had been sick one day and the girls had called the doctor and I had paid the doctor and I told him that. The next day I tucked some of the money in the bed and when I got out in the car I gave him some and he asked me where the rest of the money was and when I said that was all I had he said I was lying and started to slap me. I was not able to hold out the balance of the money. I gave Sonny Lee all I made for approximately nine months off and on. I did not live with him continuously. I lived with him about seven months of the time. I started to live with him first on the 18th of August, 1936, and lived with him about two months. I moved away from him and about two weeks later I started living with him again for about a month and a half. That continued on for a period of about [30] nine months. I made one trip to Portland with Sonny Lee the latter part of September, 1936. I had mentioned for several days that I wanted to go to Portland to see my mother and son, who were both ill. He said, "No, when I get ready I will take you." I took a small bag and had several dresses in it and when I arrived in

(Testimony of June Allen.)

Portland they were missing. While I was in the closet later getting a coat I found them thrown behind the furniture so I could not take them with me. I spoke to Mrs. Green about it and she told me Lee had placed clothes there so I couldn't take them. I stayed in Portland one night and two days. I stayed with him at night. I had intercourse with him that night. In addition to the money, I gave him a combination cigar lighter and clock at Christmas, 1936. I got it at Ben Bridges Jewelry Store. Mr. Green told me I could use his name as reference if I didn't have the money.

(Witness identifies Exhibit 1 as the clock that she bought and gave to Mr. Lee at Christmas, 1936. Exhibit 1 admitted in evidence as against Sonny Lee only. Jury so instructed by court.)

It was purchased on the 23rd of December, 1936, at Ben Bridges' Jewelry Store, Seattle, Washington. I gave it to him on Christmas Day. On the trip to Portland we stopped at Vancouver and I got out of the car and took the bus to Portland. I later met Mr. Lee at the home of Myrtle Barno, 3236 North Vancouver Avenue, Portland.

I made a trip to Portland with Mrs. Green on Decoration Day, 1937. Mr. Lee drove a big LaSalle sedan. On Decoration Day, 1937, Mr. James West drove the car when Mrs. Green and I went to Portland in Mr. Green's car. I was going to go down on the bus. Mrs. Green told me if I would wait until

(Testimony of June Allen.)

the morning of Decoration Day she would take me down in the car, a 1936 Lincoln Zephyr. We went all the way to Portland and went to my mother's home. Mrs. Green accompanied me. I visited my mother on the trip with Mr. Lee. Mr. Lee did not accompany me to my mother's home. [31]

The exhibit marked No. 2 for identification is Mrs. Green's photograph album kept in the high-boy at 919 Washington Street. It was there during all of the time I was there. There are pictures of me in the album.

(Exhibit 2 admitted and limited in its effect to the defendants Mr. and Mrs. Green, and Jury so instructed by the court.)

Exhibit 2 contains a picture of Mr. Green's family, I think, but I am not sure. The middle picture is Mrs. Green and the end picture Mr. Green. The picture indicated is a part of their yard. The picture on the right side is their home. On page three is a picture of a man that used to visit Mrs. Green quite often. The middle picture is Mr. and Mrs. Green. The end picture is Mr. Green.

The middle picture on page five is of Marjorie Spencer, one of the girls that practiced prostitution in the house while I was there.

Mrs. Green is in the first picture on page six; Mrs. Green and dog are in the second picture and Mrs. Green and dog are in the third picture.

Helen Dennett is in both pictures on page eleven. On page twelve, the first picture is Mrs. Green, the

(Testimony of June Allen.)

second Marjorie Spencer, and the third is Mr. Green and his car.

On page fourteen, Mr. Green is in the first picture and the second and third pictures are of his car.

The first picture on page nineteen is of Marie Smith, one of the girls that worked at the house while I was there. I do not know who is in the middle picture. The picture on the right of the page is of myself.

The first picture on page twenty-one is of Mr. Green and his mother. The middle picture is of the dog and the end picture is of Sally Winslow, the girl that James Barker was going with [32] when I first met him.

The lefthand picture on page twenty-two is of Sally Winslow. I do not know the other girl. The other two pictures are of Mrs. Green and the dog and Marie Smith. The end picture is of Marjorie Spencer.

Marjorie Spencer is in all three of the pictures on page twenty-three.

Sally Winslow is in the loose picture on page twenty-four. I do not know the other girl or the man. The second picture from the left that is opposite on the page is of myself.

The pictures on page twenty-five and twenty-six are of myself with the dog. It shows a portion of the house at 919 Washington Street.

(Testimony of June Allen.)

The first picture on page twenty-seven is of Maxine. I do not know the last name. The second picture is of Marjorie.

This is a picture of Mr. Green's Ford sedan (indicating), the car I came up from Portland in. These are pictures of Mr. Green's Lincoln Zephyr (indicating), the car I went to Portland in with Mrs. Green.

Cross Examination

By Mr. Heiman:

I lived in Portland. I practiced prostitution there for about five months. We came to Seattle on the Fourth of July, 1936, just for the day. I didn't work in Seattle. I didn't know Mr. Barker at the time. I was here in Seattle when my father was in the hospital in 1930. I did not know Mr. Barker then. I went back to Portland, where I was working. After this Fourth of July incident I went back to Portland and was working there and came back to Seattle July 8th, 1936. I met Mr. Barker a week after I came to Seattle to work. He had nothing to do about enticing me to come to Seattle in the first instance. I met him about the fifteenth. Mrs. Green introduced him to me. It was not unusual to find [33] colored persons in this house of prostitution. I had associated with them before. I had no objections to associating with them. When I met him and he asked me to go out with him that was not the first time I had gone out with colored men. I became friendly with him. I stated in direct-examina-

(Testimony of June Allen.)

tion that I had no conversation with Mr. Barker with reference to my earnings. I had forgotten it. When I gave him part of them he asked me where the rest of it was. No one forced me to go out with Mr. Barker.

After I met him I advised him I had a boy in Portland, who was in the custody of my mother. He was a year old then. I received a letter from my mother, wherein there was enclosed or wherein there was written on one page a sort of diagram of the baby's hand. I may have showed it to Mr. Barker. I later asked him to take me down to see the child. Instead of going to see the child I went for the sole purpose of getting my clothes; I wanted to see my child but there would not have been time if I worked the next day.

I did not have any form of immoral act with anyone whatsoever in Portland. I returned to Seattle the same day. It is not true that I was going to Portland by bus and Mr. Barker was going to take me to the bus station and I missed the bus. I told him I was going on the bus that night after work and he said "If you will wait until tomorrow I will take you down". I got out at Vancouver and took a bus across to Portland. He came and called for me in Portland and I returned with him to Seattle.

I did not meet Mr. Barker every night. When I got in the car he would ask me where my money

(Testimony of June Allen.)

was. On the nights I didn't meet him I gave him money. He would come down to the hotel room where I was living. A part of this time I was living with Mr. Barker at the Marr Hotel under my name. Part of the time I was living at the Atlas Hotel. He did not force his intentions upon [34] me. It was his suggestion I give him the money. I did not have to give him money. He told me he would make it quite unhealthy for me if I didn't. I ran away a couple of days and didn't give it to him. He came to the house and chased me down the street while ice and snow was on the ground.

I gave money to Mr. Lee. I didn't give any to Mr. Barker when I was giving it to Mr. Lee. When I was giving it to Mr. Lee Mr. Barker did not do anything to me after I left him. Mr. Barker did not at any time force me to attend any parties or clubs with him. I went with him until about the 18th of August, 1936.

When we were stopped in Tacoma by the police I advised the officer I was going to Vancouver. I was not going to Vancouver but to Portland. I lied to the officer. I am telling the truth now. I have lied before when I took the witness stand. I admit I have committed perjury. I have not been convicted of it. I have been convicted of prostitution approximately seven times.

(Testimony of June Allen.)

Cross Examination

By Mr. Behrman:

I came over to Seattle on July 4th, 1936, with Ernest Strauder and Hazel Sherwood. I have never been married. That was after my child was born. That afternoon I was at the Tokio cafe. We were down there eating. Mr. Strauder introduced me to Mr. Green. I had no conversation with him other than the acknowledgment of the introduction. I was a prostitute at the time. I did not have any conversation with him at that time. Mr. Strauder did. He told Mr. Green we were staying at the U. S. Hotel and were going back to Portland that night. Mr. Strauder told him where they lived in Portland and told him I was staying there and he asked him if he came to Portland to be sure and see him. Strauder lived in the same house as I did in Portland. He was going with my girl friend. He told him we were all together, at 1428 Northeast First Street. It was a private home, Hazel Sherwood was running it at [35] the time. It was a house of prostitution. She sold drinks. I made no arrangement to see Mr. Green after he came to Portland. Mr. Green said he expected to be in Portland before very long. I stayed at the Tokio Cafe about three-fourths of an hour. We were sitting at a table; Hazel, Ernest and I were eating. I was not taking any part in the conversation because I did not know the man so well. I sat there for forty-five minutes

(Testimony of June Allen.)

and didn't talk at all. I went back to Portland with the people who brought me. There were no arrangements to see Mr. Green in Portland. At that time Ben Purvis hadn't entered into the picture at all.

I got a telephone call on July 8th at my residence. I went to Myrtle Barno's house to make a call. While I was there another call came in for me. Hazel Sherwood, the proprietress, knew where I had gone. I cannot say who called. I had no telephone conversation with either of the defendants on July 8th. The call was sent in for me at Myrtle Barno's and I was busy so Myrtle Barno accepted the call and when I came downstairs she said I was to go to Marie's Harris' house. When I got to Marie Harris' house, Mr. Green and Mr. Purvis were there. There was another woman but I don't know who she was. I was there about an hour. I had met Ben Purvis early in the day at 1428 Northeast First Street, Portland. Mr. Green brought him there. I merely acknowledged his introduction. I had no conversation with Ben Purvis over at Marie Harris' house. I first learned that Mr. Green, or other members of his family, was interested in a place in Seattle on July 4th, 1936. After we left the restaurant Mr. Strauder told me. After I got over there I had a conversation with him and Marie Harris about whether I would go to Seattle. Ben took no part in it. He did not advise me to go to Seattle and no one represented that he was inter-

(Testimony of June Allen.)

ested in prostitution. No one represented to me that he had any interest in this place in Seattle or Portland, or [36] anywhere else. He made the trip when the three of us came over here. Mr. Purvis did not make the suggestion that if I stayed sober and didn't run around that I could do better in Seattle than in Portland. The suggestion was made by other defendants. I got to Seattle close to midnight. I got out of the car and stayed that night at Mr. Green's residence. I don't know where Mr. Purvis stayed. I had gone to bed when Mr. Purvis left. I stayed at the house the second night. I believe they got gasoline and oil and serviced the car; I am not sure of it. I did not see Ben pay any money for gasoline or other commodities to service the car.

Cross Examination

By Mr. Crandell:

“Q. The case, at least one case in which you committed perjury, was a case against Jack Clark?”

A. Yes.

Q. Jack Clark was charged with a white slave charge, was he not?

A. Yes.

Q. And that charge was in the Federal Court?

A. Yes, I was brought before the Commissioner.

(Testimony of June Allen.)

Q. It was in Federal Court before the Commissioner, was it not?

A. Yes.

Q. You were taken there as a government witness, wasn't you?

Mr. Pelligrini: At this time I would like to have Jury instructed, about the difference between the Commissioner and the Federal Court.

The Court: Motion denied.

Q. It was in the Commissioner's Court?

A. Yes.

Q. And you were under oath?

A. Yes."

I testified in Tacoma on a white slave charge against a man from Aberdeen as a government witness. I have also testified [37] against James Clavin Obey, also Melrose Booth in Tacoma, also against Mr. and Mrs. Proctor and Leon Wells. I testified against seven people in white slave charges. I have been before the Grand Jury on these defendants. There were two boys in a stolen car case. Mrs. Williams and I testified against Jackson. I was a witness for the government. I was instrumental in sending two Portland boys to the penitentiary when I was sixteen. I was arrested in their company. We were out on a lark away from Portland and had been gone over night. I turned and testified against them and they were sent to the penitentiary with reference to a stolen automobile. I had been a passenger in that automobile.

(Testimony of June Allen.)

I started life as a prostitute February 1, 1936. I remember the date perfectly. I was eighteen years old. My first patron was a colored man. My patrons have been colored and white. Since I was sixteen years old I have lived with about eight different colored men. I am twenty-one now. The longest time I lived with any one colored man during those five years is seven months.

I came to Seattle July 4th with Mr. Strauder in an automobile. We put up at the U. S. Hotel. I cannot tell the room. I was in Seattle in 1930 and stayed over night with my mother. I have gone between Portland and Seattle one other time than testified to upon direct-examination. I don't remember the date. It was in the spring of 1937. I went on the bus by myself.

I was brought from Aberdeen to Seattle. I was not brought between Seattle and Portland on any other occasion. The telephone number in the house in Portland where I lived when I met Mr. Green on the 8th of July, 1936, was East 8566, I believe, listed under the name of Hazel Sherwood.

On Decoration Day, when I went to Portland with Mrs. Green, we left about four o'clock in the morning and drove to my mother's place in Portland. We came back that same day. The [38] purpose of the trip was to decorate my baby's grave. I went over to a place where they sold drinks and had several drinks. I was not taken down there for the purpose of prostitution. I was taken down for the

(Testimony of June Allen.)

purpose of a brief devotion to my dead child. I took Mrs. Green to my mother's place and told my mother that Mrs. Green had been more of a friend to me than any other woman had been for a long time. Mrs. Green has always been a good friend to me.

I came to Seattle on the 8th of July, 1936, and met Mr. Lee on the 4th of August, 1936. I went back to Portland on the bus in the early Spring of 1937 to see my mother and baby. I was there two days and cannot give the date. I went to Portland with Mr. Lee in the latter part of September. I cannot give the date now. On direct examination I told the Prosecutor it was the latter part of September. I cannot tell the month, nor the day of the month, that I went to Portland in 1937. I wanted to go and see my mother and son and I asked Mr. Lee to take me because of that fact. That was the only reason I had to go and that is the only reason I gave him, and when I got there that is where I went. I went to my mother's place about 9:30 or 10:00 o'clock in the morning. I stayed there until 4:00 o'clock. I returned to Seattle the following day. I went to Portland for the sole purpose of seeing my mother and baby and stayed there a part of two days and one night and was only with my mother part of one day.

Of the eight colored men whom I have lived with, I claim to have been giving all of my money to six. I didn't give money to James West. He lived in

(Testimony of June Allen.)

Seattle. I lived with him about two weeks in the Yesler Apartments, a two-room apartment. The other man with whom I lived and didn't give any money was Dick; I cannot tell you the last name. I lived with him just a short time—about [39] two weeks at the Holland Hotel, room 309. He had no business that I know of. I don't know what he makes a living at. Of all the men I lived with, this one had no business. I lived with him two weeks and gave him no money. I gave money to James Obey, with whom I lived about four months in Portland and Aberdeen. He is now in the penitentiary. I gave money to Arthur L. Richardson, with whom I lived in Portland for about a month. I lived in his apartment at 15 Northeast Halsey Street, a four-room apartment. I cannot think of the names of the others.

(Whereupon Mr. Heiman moved the court for an order striking the testimony of the witness on the ground that she had admitted the crime of perjury, to which motion Mr. Crandell joined on behalf of the defendant Lee. Motion denied. Exception allowed.)

Redirect Examination

By Mr. Pelligrini:

Prior to commencing prostitution in Seattle on July 8, 1936, I never was convicted of crime. After I was in Portland with Mrs. Green in May, 1937, I came back to Seattle and practiced prostitution

(Testimony of June Allen.)

at 919 Washington Street. After I made the trip to Portland with Mr. Lee and came back in 1936 I practiced prostitution at 919 Washington Street, Seattle, Washington. After I came back from the trip from Portland with Mr. Barker and Mr. Green I practiced prostitution at 919 Washington Street, Seattle, Washington.

I testified in Tacoma against James Gillford, Obey and Booth. They entered pleas of guilty in the District Court. I testified against the Proctors, Jackson, and so forth. They were convicted. [40]

Recross Examination

By Mr. Crandell:

The following occurred:

“Q. You testified in this court in a white slave case, United States vs. Proctor?”

A. Yes.

Q. And I asked you there if you have testified in Federal Court in a white slave case before, and you answered in the negative, didn't you?

A. No.

Q. You didn't say that you had not testified in Federal Court, against anyone else, when I asked you that question in the case of the United States vs. Proctor?

A. I had never been in the court.

Q. You had been in Tacoma and testified and didn't you say you had not testified in a former case?

(Testimony of June Allen.)

A. I testified before the Grand Jury.

Q. I didn't ask you if you testified before the Grand Jury. I asked you if you didn't testify in a former trial—in the case just tried last week—and you said that you had not testified in Federal Court in the Clark case, didn't you?

A. Yes.

Q. Then your answer was false, wasn't it?

Mr. Pelligrini: Testifying before the Grand Jury is different than before the court, maybe she didn't know the difference.

Mr. Crandell: I object to counsel's remarks; it is a deliberate attempt to put the words in the witness's mouth.

The Court: She may answer the question.

Q. Your statement was false, wasn't it?

A. Yes, and I might also say that I don't know the difference between those things.

Q. You knew it was false when you testified, didn't you?

A. I don't know the difference between those things.

Q. Did you ever have a subpoena issued to you by the District Judge, to appear before the Grand Jury?

A. Yes.

Q. And also, under oath? [41]

A. Yes.

(Testimony of June Allen.)

Q. You knew that when you testified; you had given any testimony, that you were testifying falsely?

A. You asked me if I had testified in court.

Q. I am asking you if you knew all of those facts when you said you had not testified before, when you knew you had?

A. Yes.

The Court: Do you want to explain your answer?

A. I don't know whether it was before the Grand Jury or before the Federal Court.

Q. But you did know that you had a Court subpoena to appear, didn't you?

A. I had a subpoena to appear before the Grand Jury and I have it with me.

Q. You have it with you?

A. Yes.

Q. May I have it?

A. Yes. (Witness hands counsel subpoena)

Mr. Crandell: Mark this for identification.

Mr. Crandell: I offer in evidence, defendant's Exhibit A-1.

Mr. Pelligrini: No objection.

The Court: It is admitted.

Whereupon said subpoena was received in evidence and marked defendant's Exhibit A-1."

(Testimony of June Allen.)

DEFENDANT'S EXHIBIT A-1

is as follows:

United States of America

In the District Court of the United States for
the Western District of Washington

The President of the United States of America,
June Allen c/o F. B. I., Portland, Oregon

No. 44836

Defendant Exhibit A-1

Adm Oct. 21, 1938

Greeting:

[42]

You Are Hereby Comanded, That all and singular business and excuses being laid aside, you attend as witness to testify generally on behalf of the United States before the District Court of the United States for the Western District of Washington, at the City of Seattle; your attendance is to commence on the Forthwith day of at o'clock in thenoon, and you are not to depart the court without the leave of the court or the District Attorney.

And this you are not to omit, under pain of being adjudged guilty of Contempt of said Court.

(Testimony of June Allen.)

Witness, the Hon. John C. Bowen, Judge of the said Court, this 6th day of September, 1938.

ELMER DOVER

Clerk

By ELMO BELL,

Deputy Clerk.

J. CHARLES DENNIS,

U. S. Attorney."

Mr. Heiman: At this time I renew the motion on behalf of the defendant Barker to strike the testimony of the witness where we have an admission of perjury in reference to some other proceeding before the Court and by virtue of this, there has been perjury committed in this case in the presence of Your Honor.

The Court: Motion denied.

Mr. Heiman: An exception.

The Court: Exception allowed.

Mr. Crandell: I join in the motion on behalf of the defendants Green and Lee. [43]

The Court: Motion denied.

Mr. Crandell: An exception.

The Court: Exception allowed."

I told Mr. Pelligrini I was not arrested for the crime of prostitution prior to July 8, 1936. I do not want the court and jury to believe I was not practicing prostitution prior to that date. I had been practicing prostitution at that time about five months. I had never been arrested.

H. A. KING

being called as a witness on behalf of the plaintiff, being first duly sworn, testified:

Direct Examination

By Mr. Hile:

My name is H. A. King. I am special agent for the Federal Bureau of Investigation. I have been such agent for over eight years. I know Ben Purvis, also known as Sherman Johnson. I identify him as that man in the red sweater with the red stripes on the sleeve. I met him September 1, 1938, at 1726 Northwest 15th Avenue, Portland, Oregon. I had a conversation with him at that time. I was with Detective Lawrence O'Halloran of the Portland Police Department, and special agent A. V. M'Kean, and we took Mr. Purvis to the Portland Police Department and questioned him. When we first arrested him we identified ourselves and at the Police Department we asked him if he knew Vernon Paul Green, June Allen and Marie Harris. He stated he did. He stated he had known Vernon Paul Green for a number of years; that he had known Marie Harris, or Johnny Lloyd, for several years. I wrote down a statement which contains the information which he furnished us. The exhibit marked for identification, No. 3, was a statement Mr. Johnson made to me on the evening of September 1, 1938. The signature is of Sherman Johnson and my own signature appears on the second page. [44] Sherman Johnson's signature appears in two places. The ini-

(Testimony of H. A. King.)

tials of Sherman Johnson appear on the first page. Sherman Johnson signed the statement. He read the statement before he signed it. I advised him who I was and told him he did not have to make a statement unless he wished to. The information which he furnished me I wrote down in my own words.

(PLAINTIFF'S EXHIBIT 3

for identification admitted as against Sherwin Johnson only, and Jury so instructed by the court.)

The exhibit is as follows:

“Portland, Oregon
September 1, 1938

I, Sherman Johnson, make the following voluntary statement to H. A. King, special agent, Federal Bureau of Investigation. I have been advised that this statement may be used against me.

I sometimes go by the name of Ben Purvis, that is my nickname. I am fifty-one years of age, born Fort Worth, Texas, August 9, 1887. I have been living in Portland, Oregon, about 16 years. I have known Vernon Green about ten or eleven years. About two years ago, the exact date I do not recall, I was at Johnnie's place on North Larrabee near Interstate. Vernon Green was there too and a white girl named June came to Johnnie's. I do not know just

(Testimony of H. A. King.)

why she came there. Vernon was talking with her but I didn't overhear all the conversation.

Anyway later that evening I drove to Seattle with June and Vernon Green. We went in Green's Ford Sedan. He drove the car all the way. When we got to Seattle we went to Vernon's house and June was still there when I left. I did not spend the night at Green's but went to Willie Morris' place. I do not recall the address. I stayed in Seattle seven or eight days that time and then returned to Portland with John Lucas. I saw June at Green's place several times while in Seattle. I did not have sexual intercourse with June at any time. June never gave me any money. I have never seen June since.

I have read the foregoing two page statement and hereby certify that it is true to the best of my knowledge and belief.

(Signed) SHERMAN JOHNSON

Witness:

H. A. KING

Special Agent, F. B. I.

Portland, Oregon, Sept. 2, 1938

In addition to the above, I wish to state that Johnny Lloyd was present at her house when Vernon Green, June Wood and myself were there before we went to Seattle.

(Signed) SHERMAN JOHNSON"

(Testimony of H. A. King.)

Cross Examination

By Mr. Behrman:

The statement was given voluntarily by Ben. He made no objections to giving it to me. I had no reason to doubt the truth of it. It has reference to Johnny's place and I afterwards learned that this Johnny was the same lady as the witness, Marie Harris.

Cross Examination

By Mr. Crandell:

I have never been at Johnny's place. I do not know the reputation it has.

L. L. CLOUGH

being called as a witness on behalf of the plaintiff,
being first duly sworn, testified:

Direct Examination

By Mr. Pelligrini:

My name is L. L. Clough. I reside at Tacoma. I am a City Police Officer. At the present time I am a Patrolman. I was a Motorcycle Officer for six years. During 1936 I was attached to Motorcycle detail. I am acquainted with the defendant Barker, the last one on the right. I met him on July 20th, 1936. I was on South Tacoma Way and he was traveling South of the City, heading towards Portland or Olympia and I arrested him for speeding.

(Testimony of L. L. Clough.)

June Allen was with him. After his arrest I took him to the Police Station. I asked him where he was headed for and he said he was taking her to Vancouver. He posted his bail and drove away. He headed South on Pacific Avenue—that leads to highway 99. He was driving a Buick Sedan with a California license.

“Q. Have you the arresting card there?

Mr. Heiman: I cannot see the materiality of that; we don't question this.

Mr. Pelligrini: Do you admit it?

Mr. Heiman: Of course, I admit it.” [46]

EDWIN A. GEARHART

being called as a witness on behalf of the plaintiff,
being first duly sworn, testified:

Direct Examination

By Mr. Pelligrini:

My name is Edwin A. Gearhart. I reside in Seattle. I am a physician and surgeon. I office at 715 and 716, Fourth and Pike Building. I have been at the Fourth and Pike Building for about four years. Was there July, 1936. I am acquainted with June Allen. I saw her first about two years ago.

Exhibit marked, for identification, No. 4 is a day book I keep in my office of the daily work. I keep it in my own handwriting and all office work is entered in the book.

(Testimony of Edwin A. Gearhart.)

Cross Examination

By Mr. Crandell:

I suppose after I sat down and recalled the book, I think I can remember what is in the book in the month of July, 1936. I think I can remember her being there during that time. I can recall other cases at that time.

Direct Examination Resumed

By Mr. Pelligrini:

I have examined the book and refreshed my recollection as to the first date I saw June Allen; it was July 9, 1936. I saw her in my office. At that time I made a vaginal examination for her. The purpose was to see whether there was any syphilis disease or not.

(Exhibit 4 withdrawn).

THOMAS P. GERHARTY

being called as a witness on behalf of the plaintiff,
being first duly sworn, testified:

Direct Examination

By Mr. Hile:

My name is Thomas P. Gerharty. I am an investigator at present. My former occupation was special agent of the F. B. I. [47] I severed that connection July 6, 1938. I knew a man by the name of Barker.

(Testimony of Thomas P. Gerharty.)

I see him in court. He is the gentleman behind Mr. Heiman. I met him on one occasion before in the City Jail in San Francisco on June 28, 1938. I interviewed him at that time and he made a verbal statement to me. It was not reduced to writing. I notified him of my position as a special agent of the F. B. I. I showed him my credentials and then asked him if he cared to make a statement. I told him that anything he might say might be used against him. Whereupon he said he was born in Detroit on February 14, 1902, and that his mother was residing in Detroit. Then I asked him about a trip he made and about his experiences in Seattle. He told me he left the City of Minneapolis on the first part of July, 1936, in his automobile, a Buick, in the company of a colored boy named Eddie Meade, and came to Seattle. A short time after he came to Seattle he met Vernon Paul Green and Mrs. Green, and had called at their residence.

(The court instructs the Jury that the statement with reference to Barker's admissions would be used against Barker only.)

That at the residence of Mr. and Mrs. Green he met June Allen; that he knew the place was operated by the Greens as a house of prostitution. On July 20, 1936, he asked June Allen to go for an automobile ride in his Buick. They went as far as Tacoma, where he was arrested for a parking violation; that June Allen got out of the car, took the

(Testimony of Thomas P. Gerharty.)

bus, and returned to Seattle; that he put up a cash bail for his release. He told me he didn't care to make any written statements.

Cross Examination

By Mr. Heiman:

There was no antagonism. We were quite friendly. I think I gave him cigarettes. I have no personal knowledge re- [48] garding the truth except what he told me. I have refreshed my recollection by my report I made at the time. I made a report to the F. B. I.

LYLE LEWIS

being called as a witness on behalf of the plaintiff, being first duly sworn, testified:

Direct Examination

By Mr. Pelligrini:

My name is Lyle Lewis. I reside at 602 Melrose North. I am Credit Manager of the jewelry department of Ben Bridges' Jewelry Store. I am acquainted with Vernon Paul Green. I first met him in the store where I am employed. He was employed as an outside salesman, selling jewelry. He went to work in 1934, worked off and on for a year and a half afterwards. I am acquainted with June Allen. I met her in December, 1936. Mr. Green brought her into the store to make a purchase. She

(Testimony of Lyle Lewis.)

made her purchase and arranged a charge account.

Exhibit No. 5 is the conditional sales contract and bill of sale for merchandise purchased by June Allen and signed by her. It is part of the permanent records of the store of Ben Bridges kept in the ordinary course of business. It was made on December 24, 1936. Part of the entries were made in June and July, 1927. As transactions occurred with June Allen they were entered on this card by myself. All except the signature of June Allen, in the right hand corner, is in my handwriting. Mr. Lee was not present but Mr. Green was present when it was made. Exhibit 1 was purchased by June Allen on December 24, 1936. The evidence on plaintiff's Exhibit 5, for identification is the purchase of the clock.

(Exhibit 5 offered and received in evidence as against Vernon Paul Green and Robert DeShay Lee only.) [49]

B + R 1937

No. **44836**
5
 PLAINTIFF EXHIBIT
Adm 10/21/38 Limited Admission

TRAY PD

NAME **ALLEN, MISS JUNE**
 ADDRESS **511 MAYNARD ST Washington** ADDRESS **1428 7th St Portland** NO. **8268**
 PHONE **H.P. MA. 3531 El 0469** ADDRESS
 TERMS **\$6.00 DOWN**
 RATE **\$3.00 WEEK**
 ARTICLE **GRAND MOUND Wk. Tacoma, Wk.**

1936	Stock No.	DEBIT	CREDIT	BAL.	DATE	CREDIT	BAL.	DATE	CREDIT	BAL.	REMARKS
1/24	RICE	12.50		12.50							1/24/37 Paid by the
6/13	GRACE	2.50		10.00							1/24/37 Cash letter
4/17	REP	1.50		8.50							6/1/37
											9/1/37
											10/1/37
											11/1/37
											12/1/37
											1/1/38
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											9/1/38
											10/1/38
											11/1/38
											12/1/38
											1/1/39

THIS IS TO CERTIFY That *June Allen*, the undersigned, have purchased from BEN BRIDGE, Seattle, Wash., No. **8268**, on which I (We) agree to pay **\$320** or the **24** day of **Dec**, 1937, and to make payments of **\$20** each succeeding **week** hereafter until the entire amount of **\$320** is paid in full. All payments are to be made at the place of business of BEN BRIDGE, Seattle, Wash.

I (or we) hereby agree that my (or our) purchase of any merchandise any time from BEN BRIDGE is to be added to my original contract and be a part thereof and include each and every condition stated in said contract.

It is further agreed that if default be made in the payment of any of said installments when due, or in the event of any misrepresentation or false statement made by the undersigned to the above named seller, in answering any of the questions contained hereon, or with reference to the credit or financial standing of the buyer, or should seller ascertain before or after delivery of the merchandise that I am (we are) about to leave the city, or upon violation by the said buyer of any of the other conditions of this agreement, the seller may take immediate possession of said goods without notice and with or without legal process, and in such case all sums paid hereunder shall be retained by him as liquidated damages and for use of said property; or, at seller's option, the entire balance remaining, unpaid on this contract shall immediately become due and payable (at the option of the seller and) without notice to the buyer, and should said merchandise be then in the possession of the seller, or in his possession at any time buyer is in default, he may retain possession of same as merchandise and demand payment immediately of the unpaid balance.

It is further agreed that the title and right to the possession of said property shall remain in the seller until same is fully paid for, together with any additional charges on same, and in the event said merchandise is injured, destroyed by fire, lost or stolen, or in any manner rendered valueless to either party, the said buyer or his assigns agree to continue payments on same under the conditions of the original terms of this instrument.

It is further agreed that any return of merchandise purchased by the buyer to seller and acceptance of same by the seller doesn't terminate this contract and the seller may after due notice declare the entire balance due, payable on demand.

In case reference given herein on behalf of the buyer shall be deemed insufficient by the seller, said seller may, at its option, declare this contract void by refunding the deposit.

If the merchandise herein is not called for within 15 days from the date hereof, any deposit thereon by the buyer may at the sellers option be forfeited.

In consideration of the foregoing, I (or we) hereby sell, grant, bargain, transfer and set over unto the said seller, BEN BRIDGE, all wages, salary, claims of wages or salary, commission, credits and demands of every nature of every nature or description now due or to become due me (or us) from **for the months of** not to exceed **\$** and I (or we) hereby authorize, empower and direct the said **June Allen** to pay to said seller or their assigns all money due me (or us) at the time they are presented with this legal assignment or a copy thereof, I (or we) hereby authorize the holder of this instrument, at any time, to fill in the name of any person, firm or corporation as an agent of any money, wages or salary due me (or us).

I (or we) further agree to pay reasonable amount of attorney's fees and collection expense if this contract is placed in the hands of an attorney for collection or brought to suit to enforce payment of this contract or for any purpose in pursuance of this contract.

In consideration of the above sale and delivery of merchandise I (or we) hereby expressly waive the statute of limitations for a period of twenty five years.

Dated at Seattle, Wash., this **24** day of **Dec** 1937.

Conditional Sales Contract
 Full Name **June Allen** Age Address **511 Maynard**
 Wife's Full Name Address
 Reference **Walter Peterson** Address **Traffic Plat. Dept** Prev. Address
 Reference **W. Peterson** Address **El 0469** Bus
 Employed by **W. Peterson** Salary Occupation
 Address Phone
 How Long Prev. Emp.
 Father or Mother Address
 Brother Address
 Sister Address
 Credit with **None** Address
 Credit with **None** Address
 Nationality Pay Day
 Height Weight Color Hair Recommended by **W. Peterson** Delivered **✓**

50 61

D. F. HOSTETTER,

being called as a witness on behalf of the plaintiff,
being first duly sworn, testified:

Direct Examination

By Mr. Pelligrini:

My name is D. F. Hostetter. I reside at 915 East Harrison Street, Seattle, Washington. I am special agent for the F. B. I. I have been employed approximately five years. I have been attached to the Seattle office at intervals during the past two years. I am acquainted with Vernon Paul Green. I met him in September, 1938. I identify Mr. Green as the individual in the brown suit behind the individual with the red sweater. I met Mr. Green on the afternoon of September 2, 1938. Chief Deputy United States Marshal, Anthony Mandery, special agent, Duane L. Trainor, and special agent W. F. Rich and I were riding on Jackson Avenue in Seattle, Washington, and observed a green 1936 Lincoln Zephyr, with license A-96-000, which we knew belonged to Vernon Paul Green, parked alongside the curb, by a pool hall. Deputy United States Marshal Mandery and myself went in and W. F. Rich remained in the automobile. We entered the pool hall at 666 Jackson Street, Seattle, Washington, and we observed Vernon Paul Green shooting pool. We stood there without identifying ourselves and without entering into any conversation with him until he finished the pool game. Then he walked over to the rack and put on his hat and walked over

(Testimony of D. F. Hostetter.)

and asked us if we wanted to see him. We said yes. We walked out in front of the pool room and at that time Chief Deputy United States Marshal Mandery informed him he had a warrant for his arrest. He said he expected to be arrested. Then Edwin L. Trainor and Rich left with Vernon Paul Green.

I know Gene Green. Immediately after this arrest Chief Deputy United States Marshal, Mandery, and myself proceeded to [51] 919 Washington Street. I approached the rear entrance of a two-story dwelling on the street and he approached the front entrance, and after knocking he was admitted at the front entrance by Gene Green. Immediately after that Chief Deputy United States Marshal Mandery came through the house and let me in the rear entrance and we identified ourselves and informed her that Marshal Mandery had a warrant for her arrest and that we expected two special agents to return shortly, and that we would remain there until they came. We had no conversation with her pertaining to the case.

I made an examination of the house. The house is a two-story frame dwelling, on the south side of the street, and as you enter there is a large reception room and the front room or sitting room on the left, which would be on the northeast side of the house. In the rear of that, a dining room, and directly in the rear of that a kitchen. As you enter the front door, there is a stairway and beneath the stairway there is a small dressing room, and in the rear of

(Testimony of D. F. Hostetter.)

the dressing room there is a bath room. In the rear of the bath, connected with the kitchen, there is a pantry, and upstairs there are five bedrooms. The bedroom upstairs in the northeast corner of the building is very well furnished. The room in the rear of that was well furnished but not nearly as well as the Northeast bedroom. The other three bedrooms contained a bed, bureau, or wash stand, and some article of furniture, and one chair. Beside each bed there was a mirror, approximately three feet high, standing over where the top of the bed ended, about three feet high and approximately six feet long. In the East room in addition to the furnishings there was wearing apparel. Apparently this bedroom was occupied. Gene Green stated that the Northeast bedroom on the second floor was occupied by Vernon Paul Green. I identify Gene Green as the woman in the black and white dress, sitting beside Vernon Paul Green. In that room at the bottom of [52] the bed there was a chest. There was a large bureau which was partly filled with clothes. The two front bedrooms contained articles of wearing apparel. There were no articles of wearing apparel in the three remaining bedrooms. The bedroom in the Southeast corner had a closet which was unlocked at my request and contained between twelve and twenty suits of men's clothing. I examined the pantry. On the South side of the pantry there was a shelf and on this shelf was a book

(Testimony of D. F. Hostetter.)

approximately 12 inches by 14 inches long, approximately seven or eight inches wide.

(Plaintiff's Exhibit No. 8 identified.)

I found it on the shelf at 919 Washington Street, Seattle, Washington.

(Exhibit 9 identified.)

On a shelf there was a board approximately two feet long and one and one-half feet wide. Under this board, or beneath this board, are three slots cut through the top of the shelf, about $1\frac{1}{2}$ inches long and a quarter inch wide, being about six inches apart. Beneath these slots and attached to the shelf there was a drawer, and this drawer was locked. Gene Green unlocked the door at my request. At the rear of the drawer are four compartments under each slot and in the rear compartment I found exhibit 9.

(Exhibits 8 and 9 rejected by the court.)

Exhibit 6 identified as an envelope and two page hand-written letter. I found it in a drawer in a small table in the kitchen.

Exhibit 7 identified as a one page letter written on both sides. I found it also in the drawer in the small table. I did not ask Gene Green any questions concerning these exhibits.

Exhibit 10 is a letter post-marked Seattle, Washington, August 12, 1936, addressed to June Allen, 919 Washington Street. I found it in the basement. I did not question the dates with reference to exhibit 10.

(Testimony of D. F. Hostetter.)

(Exhibit 10 offered and rejected.)

I found exhibit 11 in the basement at 919 Washington Street.

In the F. B. I. field office at Seattle I had a conversation with both Gene Green and Vernon Paul Green on the evening of September 2, 1938. Special agent Duane L. Trainer was present. W. S. Rich was present part of the time when I questioned Vernon Paul Green. I questioned them separately. I asked Vernon Paul Green if he knew June Allen. He said he did. He stated that she lived at 919 Washington Street, at his home, during a part of 1936 and 1937. He stated he did not know how she got there; that he understood she came in a taxicab. He denied he brought her from Portland, Oregon, to Seattle. He denied that 919 Washington Street was a house of prostitution and stated that any dealings that June Allen had there were with Gene Green. He stated Leon Wells was arrested in California in connection with June Allen and he went to two or three men, who had associated with June Allen in Seattle during the time that she resided at his residence, and told them he was willing to contribute One Hundred Fifty Dollars if they would contribute a similar amount, and the purpose of that would be to take it down to June Allen and get her out of the country. He said these men refused, and he told them then, that if he was ever arrested in connection with June Allen he would tell everything he knew about it and get them all

(Testimony of D. F. Hostetter.)

in a muddle. He stated he didn't intend to tell who they were or anything about them but was trying to force them to contribute the amount he stated he would contribute. He stated that he had intended in the near future to buy a farm near Seattle, move out there and raise chickens and pigeons. He stated he knew he was being investigated by the government; that as he walked out of the house one day a well-dressed [54] man, whom he thought was a government agent or a detective, attempted to hear what he and his wife were talking about; that later he talked with the man and he just wanted to know an address. I permitted Vernon Paul Green to see Gene Green. I asked Gene Green if she had taken June Allen to Portland during the year 1937. She said she did. I called Gene Green's attention to the photograph of June Allen in the album, which was found in Vernon Paul Green's house. I asked her if she knew who that girl was. She had previously stated she did not know but this time she said she didn't know her as June Allen but that June Woods was the girl in the photograph. She said that she had taken her to Portland and had dinner with her mother; that she had previously failed to tell the truth that she was there; that she came to their house in 1936 in a taxicab, rented a room, but didn't know whether she practiced prostitution, but that in May, 1937, she wanted to go to Portland and she took her to Portland and had dinner with her mother and then took her back again; that Vernon

(Testimony of D. F. Hostetter.)

Paul Green was away at the time. She got a colored man by the name of Shorty West to drive the car. It was on Decoration Day, 1937.

I have known Sonny Lee (Robert DeShay Lee) since September 7, 1938. I met him with special agent W. F. Rich. I observed a 1936 LaSalle sedan with 1938 Washington license, Number 98510, parked across the street in front of the Atlas Hotel, in Seattle, Washington. I knew the automobile belonged to Sonny Lee, alias Robert Andrews. We entered the Atlas Hotel and knocked on the door of room 305, and someone said: "Who is it?" I said "Yes" and hesitated, and then he opened the door. He had on pajamas. We went in, identified ourselves, and told him the United States Marshal in Seattle had a warrant for his arrest. We told him we intended to search his room and he said it was perfectly all right, so W. S. Rich guarded Robert Lee and I searched the room and at [55] that time the clock was found in the room of Sonny Lee, exhibit 1. He said the automobile parked in front of the Atlas Hotel was his. He said he was registered under the name of Robert Andrews, and that was the name under which he bought the automobile. He said that the clock came up from California. We took him to the Seattle field office of the F. B. I. There he stated he came to Seattle in 1934 from Portland; that he had resided at room 305 at the Atlas Hotel since arriving in Seattle; that he became acquainted with James Barker in San Fran-

(Testimony of D. F. Hostetter.)

cisco, California, about six years prior to that time; that he was not sure whether Barker came to Seattle before or after he did. He stated he knew Vernon Paul Green and Gene Green and stated that he was acquainted with June Allen; that he met June Allen at the Green house and that she was practicing prostitution there and that the only association he had with her was when he went there and had sexual intercourse with her and paid her money. He stated he had sexual intercourse with her there at Vernon Paul Green's house and that he paid her money. He stated he didn't know who the individual was that sent him a clock but that Vernon Paul Green brought him the clock as a Christmas present 1937. He said he was not a good friend of Vernon Paul Green; that they don't speak; that they quit speaking during the summer of 1937; that they had had an argument. I asked him if it wasn't unusual that they should stop speaking in the summer of 1937 and that Green should give him a clock for Christmas in 1937. He said that it was given in 1937 but for the Christmas of 1936; that he was lead to believe that it was given by Vernon Paul Green and Mrs. Green.

When I arrested Mrs. Green, there was a woman approximately thirty years old, dressed in a nightgown or sleeping gown. She said her name was Marjorie Shannon; that she had been practicing prostitution there four years. [56]

(Testimony of D. F. Hostetter.)

Cross Examination

By Mr. Heiman:

I never talked with James Barker.

Cross Examination

By Mr. Crandell:

Mr. Green stated he had worked on a steamship line and had made a couple of trips in 1937. I was present at all of the conversation when Mr. Lee was arrested.

W. S. RICH,

being called as a witness on behalf of the plaintiff, being first duly sworn, testified:

Direct Examination

By Mr. Pellegrini:

I reside in Seattle, Washington. I am a special agent for the F. B. I. I have been so employed over nine years. I have been attached to the Seattle office about three years. Am acquainted with Vernon Paul Green. I met him on the afternoon of September 2, 1938, in company with agents Hostetter and Trainer and United States Marshal, Anthony Mandery. We saw Vernon Paul Green's car on Jackson Street parked in front of the pool hall. Hostetter, Mandery and myself got out of the car and went into the pool room, which was in about the six hundred block on Jackson Street. Vernon Paul Green

(Testimony of W. S. Rich.)

was playing pool. After a few minutes he put up his cue and put on his coat, and asked us if we were looking for him. Deputy United States Marshal Mandery told him we had a warrant for his arrest. We took him to the Seattle office of the F. B. I.

I met Gene Green on the afternoon of September 2nd, 1938. In company with Mr. Trainer I went to 919 Washington Street with Deputy United States Marshal Mandery and special agent Hostetter. We met Gene Green and a girl whose name was Marjorie Shannon. Officer Hostetter inspected the house while I watched Marjorie Shannon. A photograph album was found in my presence in Mrs. Green's house and a photograph of Marjorie Shannon was identified by Mrs. Green. Later on I talked to Mr. Green at the office of [57] the F. B. I. I was alone with him for a considerable portion of the time. Agent Hostetter and agent Trainer and Mrs. Green were present part of the time. Mr. Green denied he had anything to do with transporting June Allen from Seattle to Portland or from Portland to Seattle. Agent Hostetter said his wife admitted she had taken June Allen to Portland. Mr. Green asked his wife what the condition was about her taking June Allen down to Portland, and Mrs. Green said "Yes, I took her down to see her folks". On another occasion he made the statement that at the time Leon Wells was picked up in California he saw some other men and offered to put up One Hundred Fifty Dollars (\$150.00) if they would make a like contribution, to give to June Allen to get her out

(Testimony of W. S. Rich.)

of town. He said they refused, and he told them if he got into trouble he would put them all in a muddle.

I am acquainted with Robert DeShay Lee. On the morning of September 7, 1938, I accompanied agent Hostetter to the Atlas Hotel, where we met Mr. Lee in room 305. We knocked and Mr. Lee admitted us. Mr. Hostetter informed him there was a warrant for his arrest and that we would take him to the F. B. I. office for investigation. Mr. Hostetter said "We are going to make a search of your room" and he said it was all right. I stood guard over Lee while Hostetter made the search. I noticed there was a Ronson lighter at the foot of the bed. Mr. Hostetter questioned him about that. Exhibit No. 1 was found there. After the search Mr. Lee was taken to the F. B. I. office and there further interrogated by agent Hostetter. I was there during most of it. Agent Hostetter asked if he had transported June Allen down to Portland from Seattle and from Portland to Seattle. He denied any such transaction. He stated he was acquainted with June Allen; that he had met her at 919 Washington Street, Seattle, Washington. Agent Hostetter asked him where he had gotten the Ronson Lighter. [58] He said it was sent up from California. Agent Hostetter asked him if it wasn't a fact June Allen had given it to him and he said no, that Mr. Green had given it to him on Christmas. I asked him which Christmas and he said last Christmas. I asked him if they were on good terms and he said no, that

(Testimony of W. S. Rich.)

they had a falling out on their last trip to the orient. Agent Hostetter then asked him if that trip had not been made in 1937, and if it wasn't odd he should give him the lighter last Christmas after they had the falling out, and he said yes, he had received the lighter from Mr. Green the Christmas of 1936. He stated that if June Allen had given it to him, he knew nothing about it, because that was a Christmas present from Mr. Green and his wife.

Cross Examination

By Mr. Heiman:

I don't know James Barker. I never had any conversation with him. Don't know anything he had to do with the case.

Cross Examination

By Mr. Crandell:

Mr. Hostetter was present when Lee stated that he met June Allen at 919 Washington Street, Seattle.

DUANE L. TRAINER,

being called as a witness on behalf of the plaintiff,
being first duly sworn, testified:

Direct Examination

By Mr. Pelligrini:

My name is Duane L. Trainer. I reside in Seattle. My occupation is special agent for the F. B. I. I

(Testimony of Duane L. Trainer)

have been employed about a year and a half. I am attached to the Seattle office. I know Vernon Paul Green. I met him on the afternoon of September 2, 1938, in Seattle. Special agent Hostetter, special agent W. S. Rich, Anthony Mandery, Deputy United States Marshal, and I went out to locate Vernon Paul Green. We were driving down Jackson Street. Agent Hostetter identified Green's car, which was parked in front [59] of a pool hall on Jackson Street. I approached the car in a position where I could see the front door of the pool hall and also be in a position to keep the car from being driven away from the curb. While Mr. Mandery remained in the car, Agent Rich and Hostetter went into the pool hall where they remained a short while, and then they came out shortly afterwards, bringing out Mr. Green with them, and they all got into the automobile. We took Mr. Green to the F. B. I. office. We left him in the custody of a couple of agents in the office and went immediately to 919 Washington Street, that is, Agent Rich and myself. We entered the house and found a girl by the name of Gene Green and a girl by the name of Marjorie Shannon, Deputy Mandery, and special agent Hostetter. Special agent Rich stayed in the front room of the house with Marjorie Shannon, while Mandery, Hostetter and myself made a search of the house in the company of Gene Green. We found a number of articles. Exhibits marked, for identification, Nos. 10, 11, 9, 6, 7 and 8, were found there. I was present.

(Testimony of Duane L. Trainer)

I had a conversation with Gene Green about exhibit 2.

(The court limits the conversation to be received as against defendant Gene Green only and to be disregarded as against all of the defendants.)

The picture on the first sheet on the lefthand side was a picture of their Scotty dogs; she had two of them. The middle picture is herself. The third picture is Vernon Paul Green. The first picture on the second sheet is a photograph of their back yard; the same of the other picture on the page. On sheet five, the first picture, reading from left to right, is a girl by the name of Betty, who lived in the house two or three years ago. She later identified it as being Laura Schrock, her school chum.

By Mr. Crandell: I meant I wrote any names mentioned on the back. [60]

By Mr. Pelligrini: I did it at the time I was questioning Mrs. Green. She was present. The second photograph on sheet five she stated was a photograph of Marjorie Shannon, the girl who at that time was in the Seattle Field Division office, and had been out at 919 Washington Street at the time I arrived there.

By Mr. Crandell: I made no memoranda on the back of Marjorie Shannon's picture.

(Answer continuing.) On sheet six are photographs that Gene Green identified as being photographs of herself and one of Vernon Paul Green.

(Testimony of Duane L. Trainer)

The same was true of sheet seven. Sheet nine, Gene Green identified as being both pictures of relatives of Vernon Paul Green. Sheet ten was the same and on sheet eleven, she identified the girl appearing in this photograph as being Helen Warren, and the man, a Filipino, whose name she didn't know. She said she didn't know if Helen Warren was a prostitute. Said she had rented her rooms at her place over a period of three or four years at various times.

By Mr. Crandell: I made no memoranda on these photographs. I have never seen photographs of the Warren woman before.

(Answer continuing.) On sheet twelve, she identified the first picture on the page as being a car owned by Vernon Paul Green at one time, and the last picture on the page as being a picture of Vernon Paul Green and his mother. On sheet thirteen she advised the first photograph was a picture of herself in a bathing suit, and the second photograph a photograph of Majorie Shannon, and the third photograph a picture of Vernon Paul Green and part of their Ford automobile. I made no memoranda on the back of the photograph I have referred to as Marjorie Shannon. She was in the field office at the time I was questioning Mrs. Green and I recognized the photograph as being of her. Sheet fourteen, she identified as being a photograph of her Scotty dogs. On sheet fifteen, she identified the [61] three photographs there as being photographs of their Lincoln

(Testimony of Duane L. Trainer)

automobile. On sheet twenty, the first photograph is of a girl sitting down, who Mrs. Green identified as being a girl named Marie, who had rented a room at her house in 1933. The last photograph on that page is the photograph of the same girl. The name she didn't recall. Said she was not a prostitute, had just rented a room at her house, and at the time the photograph was taken she was pregnant. She identified the picture as being June Allen. On sheet twenty-one the first photograph was a picture of Vernon Paul Green and his mother. The second photograph was of his mother; the third, of the back yard. On sheet twenty-two she advised the first photograph was of Vernon Paul Green and his mother. The last photograph on the page was the tallest identified as a girl named Sally, a girl who rented a room at her place. She didn't state the date but for a period of a year or two. She didn't know the identity of the other girl. I made a memoranda on the back. Sheet twenty-three is a picture of the same two girls in bathing suits. The other two photographs are of Gene Green. Sheet twenty-four, the first picture is Marjorie Shannon; the middle photograph a girl named Marie who had rented a room from her on several occasions. She didn't know whether or not she was a prostitute. The last photograph, full-size, is a photograph of Vernon Green's family and relatives. The loose photograph on the same page is the blond girl, Sally. She didn't know the man. On sheet twenty-

(Testimony of Duane L. Trainer)

six, she didn't know the name of the girl but the same one as on sheet twenty. Special agent Hostetter questioned her about this photograph. She stated it was June Allen in my presence. On page twenty-seven she identified this as the same girl and admitted it was June Allen. The same is true of the picture on sheet twenty-eight. The girl stooping over, holding the dog, is identified as Maxine Sullivan, who lived behind the Green residence; that she was not a prostitute. [62] The other is of a girl named Betty, who rented a room there. She didn't know whether she was a prostitute or not. She stated she had been born in Yakima and married a street car conductor; divorced him in 1923; that she began to practice prostitution in 1924. In 1925 she married Vernon Paul Green in Tiajuana, Mexico. They resided in California until 1929, when they moved to Seattle. She operated a tea room in California. When she came to Seattle she began operating a rooming house at 919 Washington Street. In September, 1933, or 1934, she moved to 919 Washington Street. She stated she was not running a house of prostitution—merely a rooming house. She rented rooms to the girls and they paid her so much a week. She supplied them whatever they wanted and if they wanted a mirror alongside the bed she put them in the room. She said the girls wanted them.

I was present when agent Hostetter had a conversation with her September 2, 1938, in the Field

(Testimony of Duane L. Trainer)

Division office. She admitted she knew June Allen; that June Allen's picture appeared in the photograph book. She advised that June Allen had told her she would like to go to Portland to decorate the grave of her son and see her mother. She stated she hired a colored man by the name of Shorty West to drive herself and June Allen to Portland; that she met June's mother at the time and had dinner at her house. She returned to Seattle the same day. Vernon was away at the time.

Cross Examination

By Mr. Heiman:

I do not know James Barker. I never had a conversation with him.

Cross Examination

By Mr. Crandell:

I had a conversation with Mrs. Green at 5:30 or 6:00 o'clock in the evening. When I had most of my conversation I was the only one present. I finished the conversation about 8:30 in the evening. [63]

Plaintiff Rests

Motion for a directed verdict made by Mr. Heiman for and on behalf of defendant Barker. Motion denied. Exception allowed.

Motion for a directed verdict made by Mr. Tucker on behalf of Ben Purvis. Motion denied.

Whereupon Mr. Crandell made the following motion:

“If the Court please, with reference to the defendant Lee, counsel challenges the sufficiency of the evidence shown, and requests the Court to instruct the Jury to return a verdict of not guilty; likewise, in the case of United States vs. Vernon Paul Green and Genevieve Green, counsel challenges the sufficiency of the evidence, and requests the court to instruct the Jury to return a verdict of not guilty with reference to both defendants.”

(Argument)

Motion denied as to defendant Robert DeShay Lee and also motion denied as to defendants Vernon Paul Green and Genevieve Green.

Mr. Crandell: Exception.

The Court: Exception allowed in each instance.

Opening statement on behalf of the defendants Robert DeShay Lee, Vernon Paul Green and Genevieve Green made by Mr. Crandell.

No opening statement made by Mr. Behrman on behalf of the defendant Sherman Johnson.

ROY L. DAVIS,

being called as a witness on behalf of the defendants, being first duly sworn, testified:

Direct Examination

By Mr. Crandell:

My name is Roy L. Davis. I am a police officer in the detective division. I have been with the Police Department since March 23, 1913, in Seattle, Washington. I am a detective lieutenant, assigned to the detective department. My assignment is the Morals [64]

Relations Detail.

(June Allen is brought into the court room for the witness to identify.)

I do identify her. I had an occasion to investigate her. It was a phone call that came to my home January 13, 1937. At that time I was investigating a case that had been reported to my office. It was not represented to me that they were officers of the Federal Government. I did not come in contact with the Federal officers with reference to June Allen direct. I had a telephone call that June Allen was at 919 Washington Street and had been brought here from Portland. The investigation was on my own initiative. I went to 919 Washington Street and there I found June Allen. I took her to headquarters and put her upstairs.

Q. Did you get a statement from her?

“Mr. Pelligrini: I object to that, Your Honor. If this is for impeachment, it is im-

(Testimony of Roy L. Davis.)

proper impeachment, because the basis is not laid with reference to June Allen's testimony.

(Argument)

The Court: Objection sustained.

Mr. Crandell: May we recall June Allen for one question?

The Court: You may."

JUNE ALLEN,

a witness heretofore called and sworn, testified further as follows:

"By Mr. Crandell: Are you acquainted with Roy L. Davis, a city Police Officer?

A. I have met him.

Q. State whether or not in January, 1937, you made a statement to him while you were under arrest and under his custody, that you didn't ride up to Seattle from Portland with Mr. Green, but that you came up on the bus and paid two dollars and some cents for fare; did you make that statement to Mr. Davis? [65]

A. Yes, I did.

Q. And you made a statement?

A. Yes, I did.

By Mr. Pelligrini: Q. Where did you first meet Mr. Davis?

A. I first met Mr. Davis at 919 Washington Street, Seattle, Washington, at the home of

(Testimony of June Allen.)

Gene Green and Vernon Paul Green. He came into the house and started asking me about a ring and I didn't know what he meant. He said this ring that was bringing different girls into the city, and I said that I didn't know what he was talking about. I called Mrs. Green and said I was going to the Police Station with him and she had told me, under all circumstances, to say they had never brought me up and that I had come up on the bus. I told her I was under arrest and she told me to stick to my story. I stuck to my story."

ROY L. DAVIS

resumes the stand.

Cross Examination

By Mr. Pelligrini:

I arrested June Allen at 919 Washington Street. I arrested her on information I had received that she was brought here from Portland. I didn't charge her with any crime. I released her on the fifteenth, after I had made my investigation.

Redirect Examination

By Mr. Crandell:

From the time of the arrest until I talked to her about coming from Portland she had no time to talk to Mrs. Green other than for getting her wraps. I

(Testimony of Roy L. Davis.)

was there in the hall. Mrs. Green didn't tell her in my presence that the Greens didn't bring her here. I don't recall if I made a report of that to the Federal Officers, there being no evidence for prosecution. I was in the hall when she got her wraps. Mrs. Green was in the bedroom, immediately behind the
[66]
dressing room.

JAMES BARKER,

being called as a witness on behalf of the defendants, being first duly sworn, testified:

Direct Examination

By Mr. Heiman:

My name is James Barker. I have no aliases. I have given my true name. I am a waiter and chauffeur. I was born in Michigan thirty-six years ago. I went to California and lived there about fourteen years. I am single. I was married; my wife passed away in 1928. I have one child, a girl, now in Detroit with my mother-in-law. The girl is thirteen. I am helping to support her.

I waited tables and had a place of business in San Francisco at 679 Geary Street, a shoe-shining parlor. I had eight chairs. I did very good there. I had four men and five on Saturdays and Sundays. I had a contract with a shoe repairing shop to do the repair work. I owned it a little over a year. I sold my interest for \$1900 in 1936, a few months before I came to Seattle. I saved my money. The

(Testimony of James Barker.)

place was on one of the main streets in San Francisco, in the center of the apartment houses and hotels.

I came to Seattle sometime between the fifth and sixth of July. I was following the races and looking to see if I could get a place of business in Seattle. I didn't talk to Mrs. Green before I came to Seattle. I met her in San Francisco. She was visiting a sick woman in the same building where I lived. I was introduced to her in 1929. I don't remember the exact date I came to Seattle. It was between the sixth and fifteenth of July. I was not here for the Fourth. I met Mrs. Green three or four days after I came to Seattle. I was driving through Washington Street and I saw her out in the yard. She was watering the lawn. I drove to the corner, turned and came back, as I recognized her. I was driving [67] a Buick. It was not fully paid for. I stopped to see her; I got out of the car. She recognized me and invited me in. We went in the kitchen and had a drink of beer. While I was sitting there, June Allen came through the kitchen with a broom, and Mrs. Green said "Just a minute, I want you to meet a friend of mine from California". She introduced me. The girl went about her business. I did not know that the Green house was a house of prostitution. I found out later on after I was in Seattle. Six or seven days after that I met June Allen at a night club. I saw her the next morning. I never went to the Green's place as a customer. I never had any immoral relations with June Allen or anyone

(Testimony of James Barker.)

else there. When I met June Allen at the night club five or six days later, I walked over to the bar and asked her if she would have a drink; she said yes and asked me what time do I get up. At the time I was living at the Atlas Hotel. I said "Why do you want to know what time I get up?" and she said "I want you to come by the house, I want to go see my baby; and I want you to take me to the bus station, she is in Portland. I have a letter from my mother saying the baby is sick." She showed me the letter. At the bottom of the letter I saw a picture of a little baby's hand where it had been drawn on the letter. I told her I would take her to the bus station and I arranged to do it. I saw her again the next morning. I went to pick her up. I honked the horn and she came out. I drove to the bus station but the bus had gone. She asked me if I would try to catch the bus. I told her I would and started out after it. I didn't succeed in catching the bus between Seattle and Tacoma. When we got into Tacoma the bus had left five or ten minutes. I tried to catch the bus from Tacoma and we got picked up for speeding. The testimony of the officers is correct. I posted bail but didn't pay a fine. After I was detained at the station, June said she couldn't catch a bus for two or three hours. She asked me [68] if I would drive her over to see her people. I hesitated a few minutes and I said I didn't mind because I had never seen the scenery down there, and so we started out. She said "You

(Testimony of James Barker.)

can drive me to Vancouver and wait for me there” and so I did.

It was 5:30 or 6:00 when we got to Vancouver. I drove out to the airport and looked around for about an hour and a half. She got out at Vancouver. She asked me to wait for her. I did. She came back in about an hour and a half. When she said she returned to Seattle in an hour or an hour and a half that is correct. She did not inform me she was going there for immoral purposes. She told me she was going to see her baby. Her statement that there was nothing immoral or wrong was correct. I don't remember of her bringing clothes in the car. She said she saw the baby. The purpose of the trip was to see the baby she said was sick. We were there about an hour and a half. She came back in Vancouver, where she got off the car. I did not go over to Portland. I didn't give her any money to take the bus over to Portland. She had money. She didn't pay for gas or oil. I had money at that time, \$500.00, proceeds of the sale of my shoe shining parlor and winnings on races in Seattle. I returned to Seattle with her. We got back to Seattle at 1:30. She jumped out of the car and went into the house. I saw her again five or six days later at a night club and nothing took place. I never lived with her one night in my life at the Marr Hotel. I went down to the Marr Hotel during recess. I have been to the place before, in October or November of 1936. I inquired of the girl whether anybody could identify me having been there. The clerk

(Testimony of James Barker.)

didn't know me. I didn't live with her at the Holland Hotel; don't know where it is. When I was in Seattle I lived at the Yesler Apartments and the Atlas Hotel. I maintained a room there all the time. I never saw her after the time I saw her in the night club after we returned from Vancouver. She never gave me money in [69] her life. I never gave her money more than a drink. She never gave me any gifts; I don't know her that well. I left Seattle sometime in 1937. I was trying to locate a business here. I started negotiations with reference to the purchase of a tavern on the highway—a road house. I worked on that for some time and then the deal fell through. Then I returned to California in 1937. Down there I waited table and tended bar at Topsy's, on the beach, a chicken dinner shack in San Francisco. I heard the officer testify about his interview. He made one mistake; I believe it was with reference to my knowledge of the Green house. I didn't tell him I knew it was a house of prostitution. I told him I learned it later. Other than that the officer's statement is correct. I had no quarrel or disagreement with him. He informed me of my constitutional rights. He testified substantially the truth.

Cross Examination

By Mr. Pelligrini:

I don't know whether anything she testified to, with the exception of the fact that I lived with her and that I received money from her, is true. I don't remember everything she said. I testified that I met

(Testimony of James Barker.)

her in July, 1936, at Green's house in Seattle; that she lived there, and that I was introduced to her by Mrs. Greene; that I met her at a night club. It was at the Green house I met her first, then at the night club. Her statement that I took her to Vancouver and she got out of the car was correct. I took her to Vancouver, Washington. I don't know where she went when she got out of the car. She didn't tell me she went to Portland. I didn't go into Portland. I came back to Seattle, took her to 919 Washington Street. I didn't know at that time that it was a house of prostitution. I disagree with her when she said she gave me money. I never lived with her and she never gave me money. I do not know Sally Winslow. I came up from California in July, 1936. A boy by the name of Mose came with me. Sally was not with him. I have been convicted of a crime. [70] I don't remember when it was. It was in San Francisco. I was sentenced to six months. I didn't come from Portland with her. I didn't enter into an agreement with reference to her working in a house of prostitution.

VERNON PAUL GREEN,

being called as a witness on behalf of the defendants,
being first duly sworn, testified:

Direct Examination

By Mr. Crandell:

My name is Vernon Paul Green. I was born in Huston, Texas. I lived in Los Angeles prior to coming up here. Have lived here since March 30, 1913. I am a jewelry salesman and have been off and on for four or five years after I came to Seattle. The last year and a half have been on the high seas and worked on the President Jefferson immediately after the strike. I sailed March 27, 1937. It took twenty-seven days to make the round trip and I laid in ten days. I made two trips.

I recall going to Portland the summer of 1936. I had no conference or conversation between myself and anyone else with reference to the contemplated trip. My wife and I had a little argument and I just left. Nobody knew that I was going. I didn't know myself until that morning. I had never contemplated or talked to no one whatsoever about making that trip in the future. That morning my wife and I had an argument pertaining to my drinking. I got sore about it and the next morning I was still sore. I drank, got in my car and started to drive down to Centralia to see some friends of mine. When I started I did not contemplate going to Portland. When I got to Centralia I contemplated going to Portland on the spur of the moment. Instead of

(Testimony of Vernon Paul Green.)

turning to the left at Centralia I turned to the right to go to Portland. Prior to that I had not discussed or communicated with Mr. Purvis in any way about the trip. I didn't see him at all. I didn't know that he was going to make it. I had not [71] seen Mr. Purvis for one or two weeks. I don't know his address in Portland. After I left Hazel Sherwood's house I saw Mr. Purvis. I knew him. I had lived in Portland in 1924. I didn't have a plan to bring anybody back. I was there three or four hours before I saw Mr. Purvis. We rode around town. I had seen June Allen once or twice before going to Portland. The first time I saw her was at the Tokio Cafe in Seattle. I was introduced to her by Ernest Strauder of Portland. June Allen's statement with reference to that is not altogether true. I had no previous plans to meet June Allen at that time. I saw June Allen the next time at Hazel Sherwood's house and I hadn't seen her at no other time until the Portland trip. I had a conversation with her at Hazel Sherwood's house. She was glad to see me, evidently. We had a cup of coffee and two or three drinks of whiskey—Cream of Kentucky. I said I was going to leave. She called me into a room and said "Mr. Green, how is chances of riding back to Seattle with you?" I said that I had a five passenger automobile, but didn't want to take her because she was a woman. She said "I am willing to pay for the gas to go back". I said I wouldn't take on any more gas because I had enough and that I was going

(Testimony of Vernon Paul Green.)

to go back by myself. She said "I just want to show you I don't want to sponge on you." I said I was going down to Johnny's house and she said "is that place on Larabee Street" and I said "yes". She said "What time are you going to be there?" I said "1:30 or 2:00—sometime around that time." "I am at Hazel Sherwood's house," she said. She said "I will be there and if you make up your mind to take me I will go with you." I said "You are not married, are you?" and she said "No, I am not married." I don't know anything about the girl. I did not suggest or request her to come to Seattle with me. I absolutely did not suggest it before she made the request. I saw her again after I went over to town at Miss Harris' house on Broadway and Larabee Streets. I do not recall asking Miss Harris [72] to talk over the telephone. I don't recall calling my wife up from there. I do not recall communicating with her because we had had quite a bit of liquor at Miss Harris' house. I did not communicate with her after I left the Sherwood place and before I got to the Harris place on Larabee and Broadway. I had talked with her (June Allen) at Hazel Sherwood's place. I did not talk with her over the telephone. I did not discuss with Mr. Purvis about her request to ride to Seattle with me. He did not know she had made the request. I was at the Harris house about ten minutes and I walked out to the stairs and asked Miss Harris where the bath room was, and she said "Upstairs to the left", and when

(Testimony of Vernon Paul Green.)

I went upstairs she (June Allen) was up there. I did not see June Allen come to the Harris place. At the Harris place she asked me "Are you still going to take me?" I said "I told you over at the Sherwood house I don't want to take a woman with me". That was about 3:00 o'clock in the afternoon. I stayed there around two hours. Everybody bought drinks. From there we went around this street to Preston's Pool Hall, Purvis and I. June Allen did not leave when I left. I saw June Allen again about 7:30 or 8:00 o'clock at Miss Harris' house. I went back to see if she was ready to go. Up to that time I said nothing to Mr. Purvis about contemplating taking June Allen to Seattle. I asked Mr. Purvis after I left Miss Sherwood's house, when I first saw June Allen around in there, about 1:30 or 2:00 o'clock, about his coming to Seattle with me. I didn't talk to Miss Harris or Mr. Purvis about June Allen coming with me. I left Portland around 7:30 or 8:00 o'clock in the evening, the same day I left Seattle. I drove straight through. Mrs. Green did not know where I had been that day. We reached Seattle at 11:00 or 11:15 o'clock. I let June Allen out in front of the Holland Hotel, but she didn't want to get out. Up until that time I had not discussed anything about prostitution with June Allen. [73]

By Mr. Heiman: I know Mr. Barker when I see him. I never discussed the return of June Allen from Portland. I never had that much conversation with him. I never discussed June Allen with him.

(Testimony of Vernon Paul Green.)

Cross Examination

By Mr. Pelligrini:

I never saw Mr. Barker at 919 Washington Street. I was not there the day my wife introduced him to June Allen. I said I left June Allen in front of the Holland Hotel. I drove directly to the Holland Hotel, located on Fourth Avenue across the street from the County-City Building. 919 Washington Street is in the central part of town in the lower district. I have lived there since 1932 with my wife, Gene Green. It is being operated as a rooming house, around ten rooms. My wife refused to sleep with me and we fixed up two bedrooms and then there are three others fixed like hotel rooms, a dresser, closet, bed, springs and mattress. One bedroom has a chaise lounge, a radio, a vanity, bedroom set and rug. Some of the bedrooms have had the mirrors taken out. The roomers that stay in the house change. Laura Schrock stayed there, Sally Winslow stayed there, Marie Warner stayed there, Marjorie stayed there; I don't exactly recall how long. It was immaterial to me. I was out making money. I didn't try to busy myself around about incidentals like that, because I thought that my wife was capable of collecting the rent from the roomers. I didn't butt into anything around the house, I left that up to her good judgment. I thought she was capable of running it. My mother learned her how to cook and she showed her how to keep house. I was out of there early in the morning and came

(Testimony of Vernon Paul Green.)

back late at night, trying to make money to make both ends meet.

In 1936 I worked for Ben Bridges' until the strike came. When the strike came money was slack and there was no use trying to sell. I went down to a longshoremen place to see about that kind of work. I was sympathetic with the union so I joined up there and got [74] to go to work. I have been working for Ben Bridge. I got fifteen percent. I didn't pay an income tax. My salary was not so great and I didn't keep any account. In October, 1936, I bought a Lincoln automobile. I paid a government tax and sales tax on it. I didn't earn enough in 1936 to pay an income tax.

I saw June Allen at Hazel Sherwood's place in Portland and I saw her at the Tokio Cafe in Seattle. I didn't know if it was the Fourth of July. I saw her some time in July, before the bonus was paid, in the Tokio Cafe, and then at Hazel Sherwood's place in Portland, just a few days after. I don't know that it was around July 8th, 1936. I don't know if Hazel Sherwood's place is a house of prostitution. We had two drinks but I don't know if she had girls there. I only bought one drink. We left Hazel Sherwood's and the next time I saw her (June Allen) was at Johnny Lloyd's house, that is Marie Harris, around 2:30. I came back later and picked her up. I let her ride to Seattle with me. I picked her up around 7:30 or 8:00. When June Allen says she met me at the Tokio Cafe and at Hazel Sher-

(Testimony of Vernon Paul Green.)

wood's place that is correct. Ben Purvis was with me. He did not drive any of the way. I brought her all the way. I did not know she was a prostitute. I found it out about three or four days later. I found out she was a prostitute after that but not necessarily after she came there. She was living at my house, at 919 Washington Street. I brought her to Seattle and she was living there from then on. She lived there until some time in 1937.

GENEVIEVE GREEN,

being called as a witness on behalf of the defendants,
being first duly sworn, testified:

Direct Examination

By Mr. Crandell:

My name is Genevieve Green. I live at 919 Washington Street. I have lived there since the latter part of 1932 or the [75] first of 1933; I am not positive. It was a house of prostitution during 1936 and 1937 and has been for seventeen years. I can't remember when I first met June Allen but it was after the Fourth of July. I first saw her standing in my front hall. The door bell rung and one of the girls had gone to the door and opened the door and then called me and said "There is someone that wants to see you." I had never seen her before in my life. I had not discussed her with Mr. Green. He had not discussed her with me. I didn't know

(Testimony of Genevieve Green.)

that he had been to Portland. I didn't know where he went. I just walked up to her (June Allen) and said "How are you?" and she said "Fine" and then she said "Is this 919 Washington Street" and I said "Yes". One of the little girls were leaving that night so I said "Won't you come back to the kitchen and have a seat?" so we went back to the kitchen and then I asked June questions. I made no inquiry as to how she came because other girls came the same way. She didn't advise me and I didn't know how she came to the house. I talked with her. She told me about her baby and I asked her if she had practiced prostitution before. She said "Yes". I asked her how long and she told me. Then I said "Have you ever had a health card?" and she said "No". She said "No, Mrs. Green, I never have" and I said "I have a vacancy and you can work here provided you go get a health card". She said she would get one. She stayed at my house, I judge, off and on for three weeks. Some nights she slept there and some nights she did not. She had a different boy friend practically every night. At the end of the third week she had a different boy friend and moved to the Marr Hotel.

"Q. Did she meet him immediately after she came to your house, as she related, that you were looking out the window and saw Sonny Lee passing in his automobile and June Allen being present and asked you to call to Sonny Lee and you replying "don't worry, he will be

(Testimony of Genevieve Green.)

back in fifteen minutes", did you say that?

A. I most assuredly did not; why, that is absurd." [76]

We don't cater to colored men in the first place. Sonny Lee did not visit June Allen at my place while she was there. We have personal friends (colored) that come there. I recall Mr. Barker coming there. I met him in California. He did not come there to see June Allen. He came there to see me. I did not introduce June Allen to him as a prostitute. June Allen did not accept him as a patron at that time. He never came to my house as a patron. June Allen's statement in regard to that is absolutely false. I do not mean that June Allen had a different fellow practically every night while she was at my house. She worked the hours she was supposed to work and when she was through someone would be out in front waiting for her. I observed that the men she went out with her both colored and white. June Allen's statement that Sonny Lee came to my house as her patron is not true.

"I recall going to Portland. June Allen's mother wrote her a letter and asked her to come to Portland to see her baby. We left on Decoration Day; that is close to June's birthday. I cannot tell you whether it is before or after. Her mother wrote her a letter asking her to come and inviting me; that was two weeks before Decoration Day; so she asked me to go and I didn't want to go because she

(Testimony of Genevieve Green.)

has got a nice mother and I know what I am and am ashamed of what I have been doing. I didn't want to go to her home and meet her mother, being what I am, but she kept asking me so I said 'all right, I will go with you'. She wrote her mother two letters and told her mother even the food to have for dinner and everything and told her when we would get there. We left early in the morning after we had worked on Saturday night. We drove to Portland and we got there about 12:30 or a quarter after twelve and her mother had not prepared dinner yet so June and I helped prepare dinner and between us we set the table and then we sat down to have dinner and a lady and gentleman came in that must have been friends of Mrs. Woods and said 'we are glad to [77] have seen you', so I presumed they had moved away from there before. They sat down and had dinner with us and after we had dinner we did the dishes and June Allen dressed her baby while Mrs. Woods and I did various things and after the dishes were finished we all got in the car and drove to June Allen's sister's place and we let the lady and gentleman out at June Allen's sister's place and we drove from there down to the center of Portland and stopped in front of a flower shop. June Allen's mother went in there and bought flowers for the grave and then we drove up on a hill on a very narrow road and we drove away up to the top of this place and she and her mother and father got out and put the flowers on

(Testimony of Genevieve Green.)

the grave and took pictures of it and then got in the car and we drove on through Portland out to June mother's place; I cannot tell you the exact time of day it was because it was getting dark. I did not mention to you that June's mother had made a birthday cake; so when we were ready to leave, June's mother cut two pieces of cake for June and myself. Then we drove into a gasoline station and the boy who was driving the car filled the car with gas and oil while June and I went in there and got a sandwich and coffee. Then we got in the car and made the trip back. That is the best of my recollection of the trip."

I employed the driver and paid all of the expenses. My purpose in going to Portland was not for prostitution or for any immoral purpose of any kind. It was for no purpose other than visiting the baby and seeing the mother and decorating the child's grave. Up until the time June Allen left my place I did not know she had ridden to Seattle with my husband. I learned about it and started divorce proceedings against Mr. Green. We were afterwards reconciled. I didn't talk with anyone about my husband *being* June Allen to Seattle for immoral purposes. I had no arrangement, agreement, or understanding with any person regarding the bringing of June Allen to Seattle for immoral purposes. I absolutely did not know she [78] was being brought from Portland for immoral purposes.

(Testimony of Genevieve Green.)

By Mr. Heiman:

I had known Mr. Barker in California. I saw him one day in front of my house and introduced him to June Allen. He never came back. June Allen was in Mr. Barker's presence just long enough to be introduced and then she walked out. June Allen showed me a very beautiful letter from her mother. I don't remember the date, but it was long after she had been at my house. I saw the letter. There was only the one letter. You and I haven't discussed this matter at all.

Cross Examination

By Mr. Pelligrini:

Mr. Purvis did not come to my house. He is a stranger to me. He did not come the night June Allen came. Mr. Green came home every night. I have been operating a house of prostitution since the latter part of 1932 or the first part of 1933. Mr. Green was living there all of the time.

ROBERT DeSHAY LEE

being called as a witness on behalf of the defendants, being first duly sworn, testified:

Direct Examination

By Mr. Crandell:

My name is Robert DeShay Lee. I am forty-two. I was born in Texas. Have lived in the state of

(Testimony of Robert DeShay Lee.)

Washington and the city of Seattle since 1934. I have never been convicted of any crime. My occupation is traveling on boats in the show business, working at night clubs and taverns. I first met June Allen at the Assembly Club, a colored club on Maynard Street, about 3:00 o'clock in the morning. I was standing over by a card table and looked around at the bar and she did that way to me (indicating), winked her eye, and I walked over. I knew what she meant. We had a drink. She asked me what I was doing and I told her I wasn't doing anything at the [79] present time; and she said "Where are you going?" and I said "Nowhere". She said "Would you like to go with me?" and I said "That is according" and she said "You can go with me if you want to act like a big boy". I figured she was under the influence of intoxicating liquor so it didn't mean much to me. She told me where she lived and what she wanted and we went on up to her room. It was money that she wanted for me to go to her room. I most certainly understood she was soliciting me for immoral purposes. She told me the price was Three Dollars. I went with her to the Marr Hotel. I never lived there. I heard her statement that I lived with her at the Marr Hotel for approximately seven months and that is absolutely false. I saw the clerks the night I went there but I didn't know them.

I heard the statement of June Allen of the way she met me; that someone at 919 Washington Street

(Testimony of Robert DeShay Lee.)

called to me; that I called by 919 Washington Street. That is not true. I never visited June Allen at Green's house for the purpose of prostitution. I never visited her there for any purpose. I never was in that house talking to June Allen. I knew nothing about her coming from Portland to Seattle. The first time I saw her was at the Assembly Club on Maynard Street. I did not know if she was born here or raised here, or how she got here, or anything concerning that. I never discussed her coming from Portland to Seattle with anybody. I never made any arrangement or agreement with anyone about bringing her to Seattle. I never knew such a woman stayed there prior to the time I met her at the Assembly Club. I never discussed with her about coming from Portland to Seattle. After that I saw her sometimes once a week, and sometimes twice a week over a period of two or three months off and on until after Christmas. I hadn't taken her anywhere but I met her at several restaurants and dined with her. She rung me up at the hotel where I lived and asked me what I was going to give her for Christmas and she said she was over in the room [80] so I went over and she and I went to the Assembly Club together and she asked me about a Christmas present. That was on the 23rd. She asked me for money and I gave her \$15.00 as a Christmas present. I found out that she gave me a present. I didn't know it was from her. It was given me by Vernon Paul Green.

(Testimony of Robert DeShay Lee.)

(Exhibit 1 identified as the gift.)

That is a part of it. Some of it is missing. It was taken out of my apartment by the officers.

(Missing part identified.)

I heard June Allen's statement that she had given me her earnings while she was living at the Marr Hotel. That is false. I was always giving her money from my earnings. I took no money from her at any time. She never rode outside of the city limits in my automobile. She was in my automobile several times but only going from one booze drinking joint to another and to her room at the Marr Hotel. I heard her testify that I went to Portland with her, taking her to Vancouver, Washington, where she got out of the car. That is false. She never rode out of King County in my automobile with me. I never took her to Vancouver at any time.

I know a lady in Portland by the name of Barno. Her statement that I went to Barno's place and drove her there is false. I never drove her to Barno's place or any other place there. I did not drive her from Barno's place to Seattle. I did not see her at Barno's place.

I don't know how long a time it was after Christmas that I continued to associate with the Greens or June Allen. All of a sudden she went away and I never saw her any more. During all of the time from the month of July or August, 1936, I was living at Room 305, Atlas Hotel, in the city of Seattle.

(Testimony of Robert DeShay Lee.)

By Mr. Heiman:

I know James Barker. I never saw James Barker, Mrs. Green and Miss Allen together. I was not present at any time when [81] Barker spoke of June Allen. I never conspired at any time with Mr. Barker, or anyone else, in reference to Miss Allen and bringing her from Portland to Seattle. I never knew whether Barker knew June Allen or not.

Cross Examination

By Mr. Pelligrini:

I know Ben Purvis when I see him. I know Mrs. Green. I have known her for the last couple of years. I have known Mr. Green about the same time. I don't know Johnny Lloyd or Marie Harris. I never lived in Portland at any time. I only came through Portland. I don't know how much money I earned in 1936. I didn't have a steady job. I worked at odd jobs. I worked at beer taverns and clubs, bootlegging joints, and places like that. I worked at the 416 Club and 413 Maynard in and out through the year bartending. They pay me \$2.00 a night. I gave June Allen money. I have two houses to rent. I still own them. I acquired them in 1936. They are on King Street, occupied by a Jap and a colored family. I had other money than the \$2.00 a night. I made trips to the orient as a waiter on boats in 1937. Was gone forty-seven days. My round trip netted me \$102. Then I went back to the clubs,—the same clubs I mentioned before at \$2.00 a night. I own a LaSalle car. I have had it since 1936, under the name of Robert Ambrose.

(Testimony of Robert DeShay Lee.)

Redirect Examination

By Mr. Crandell:

I had other money, a bonus from the government. I would get from \$10.00 to \$15.00 a night in tips at the night clubs. Some of the waiters work for nothing. I have offered to pay to work in some clubs. My bonus was \$784.00. I got it in 1936, the year before I bought my automobile. With reference to a suggestion about a conspiracy with Vernon Paul Green, Mr. Green and I don't speak. We haven't spoken for about two years. [82]

SHERMAN JOHNSON

being called as a witness on behalf of the defendants, being first duly sworn, testified:

Direct Examination

By Mr. Behrman:

My name is Sherman Johnson. I live in Portland. I go by the name of Ben Purvis. My mother's husband's name was Purvis. He called me Ben Purvis. They raised me. I have been going by that name since I was a little boy. I have known you for a number of years. My friends and associates call me Ben Purvis. I was born in Fort Worth, Texas. I have been in Portland about sixteen years. I am fifty-one years old. I worked for the W. P. A. I have evidences of my work. Exhibits A-2, A-3 and

(Testimony of Sherman Johnson.)

A-4 are W. P. A. cards. I got them up at the W. P. A. place.

(Cards received in evidence; displayed to the jury)

I don't know the difference between a felony and a misdemeanor. Have never been convicted of a felony; have been convicted of a misdemeanor. I was working for a fellow that sold junk and I was driving for the fellow and was arrested for stuff I had in the load. That was when I was fourteen years old. I got ten days in jail. I have never served time since then. Have known Vernon Paul Green since 1927. I never had any business relations with him of any kind. My acquaintance is just in a social way. I knew him in 1927 when he was at my house at 15th and Northrup Street. I have not gone out with him socially. I have had a drink of whiskey with him. I didn't go to any football games with him. I don't remember going to baseball games with him.

I know Mrs. Green. I made her acquaintance in Portland. I saw her two or three times. I saw her when I came to Seattle. I saw her in Portland at 169th Street in a car. I don't know how long ago. It has been quite a while. [83]

I know June Allen. I never saw her in Seattle before I came over on this trip. I saw her in Johnny's house. Johnny is the little dark girl. Her true name is Marie Harris, I think. I didn't know when I went to Marie Harris' place that June Allen would be there. I never had any business with Marie

(Testimony of Sherman Johnson.)

Harris. The first time I saw the Allen girl was over at Marie's. I didn't see her early in the day at Sherwood's place. I don't know the meaning of "conspiracy". I did not conspire with anyone to bring June Allen to Seattle.

I came over here to go to work. I thought I was going to get a job to work in a club. I was laid off my W. P. A. work for two or three weeks. I thought I could get a job running a game in a gambling house. I have done it before. I didn't have any notice the girl was coming to Seattle. It is true that I did not engage in a conversation at the Harris house with June Allen. I don't know why she came to Seattle. I didn't drive the car. I didn't pay for gas or oil. I don't know Mr. Barker.

Exhibit No. 3 is my signature. I gave Mr. King this statement. I gave it to him voluntarily without reservation on my part. I was advised the statement would be used against me. I was willing to give it.

The following is correct (excerpts from written statement, Exhibit No. 3): "That I sometimes go by the name of Purvis. I am fifty-one years old, born in Fort Worth, Texas. Lived in Portland, Oregon, sixteen years; have known Vernon Paul Green about ten years. I was at Johnny's place, that is the black girl, Marie Harris; that Vernon was there and a white girl named June Allen, and I don't know why she came, and that I did not hear all the conversation."

I didn't hear any of the conversation with reference to the purpose of June Allen's coming. I knew

(Testimony of Sherman Johnson.)

she was coming when she got in the automobile. I did not hear the statement by Johnny [84] (Marie Harris) that she could make more money here in a sporting house than in Portland. I knew nothing about it.

The following is true (excerpts from Exhibit No. 3): "We drove with Mr. Green and June in Green's Ford Sedan. He drove all the way and when we went to Seattle we went to Vernon's house. June was still there when I left."

The automobile stopped at Green's. I got out. I went inside of the house. I stayed ten or fifteen minutes. I don't know whether June was there when I left or went upstairs. I went down town to Willy Morris'. I don't know the address, I think two blocks from Jackson Street—maybe it is 12th Street. I didn't go back that evening. I cannot recall Green's address. Have heard that Green's house is 919 Washington Street. I wasn't doing nothing so I went back to Portland to see if I could get a job there. I am a veteran of the World War. I forget the outfit. I have a discharge in my pocket. It was an infantry. I got an honorable discharge; it is a little shabby and torn.

I saw June at Green's place two or three days after that. I never saw her since I came here. Now I say in addition to the above: "I wish to state that Johnny Lloyd was present in her home with Green and June before we went to Seattle." There is nothing else I want to tell the jury. I have told them everything I know.

(Testimony of Sherman Johnson.)

By Mr. Heiman:

I do not know James Barker at all. I never had any conversation with him. I never discussed any of the matters of this case with him or with you.

By Mr. Crandell:

I had been drinking a little bit that afternoon, one or two drinks. Not enough liquor to affect my memory. [85]

Cross Examination

By Mr. Pelligrini:

When the automobile stopped at Green's place, Green and I and June and Mrs. Green were there.

I know of Sonny Lee. I don't know whether he lived in Portland. I met him there three or four years ago.

Defendants Rest.

Whereupon the following motion was made by Mr. Crandell:

“At this time I challenge the sufficiency of the evidence, the government having rested and the defense having rested. I challenge the sufficiency of the evidence to warrant submitting the case to the jury with reference to the defendant Lee, and also with reference to the defendant Vernon Paul Green, and also with reference to the defendant Genevieve Green, on both Counts, one and two.”

After which oral argument was made by Mr. Crandell.

“The Court: Motion denied as to each question, as to all of these defendants.

Mr. Crandell: An exception.

The Court: Exception allowed.”

Whereupon the defendant requested the following instruction:

“You are instructed that no person offered as a witness shall be excluded from giving evidence by reason of conviction of crime, but such conviction may be shown to affect his credibility; Provided, that any person who shall have been convicted of the crime of perjury shall not be a competent witness in any case, unless such conviction shall have been reversed, or unless he shall have received a pardon.

Sec. 1212

Rem. Compiled Statutes

6 Wash. 563

139 Wash. 636.”

Whereupon respective counsel addressed the Jury. [86]

Whereupon the court instructed the jury as follows:

“Instructions

Members of the jury, you have heard the testimony and the arguments of counsel. After the Court instructs you, you will retire to the jury room to consider your verdict. In this case there are five de-

defendants on trial on the two counts of the indictment. To the indictment and to each count thereof, each defendant on trial entered a plea of not guilty. This plea of not guilty puts in issue every material allegation of the indictment, each count thereof on which the defendants on trial are being tried, and casts upon the Government the burden of proving the guilt of the defendants on trial by the evidence beyond a reasonable doubt. The defendants are not called upon to disprove the contents of the indictment or prove their innocence.

Marie Harris is not now on trial before you, and you are not concerned with her as a party, or her guilt or innocence, and you will give no consideration to the guilt or innocence of the defendant Marie Harris. Of the whole number charged in the indictment there are on trial before you only five of those defendants, namely Vernon Paul Green, Genevieve Green, Sherman Johnson, Robert DeShay Lee, and James Barker. It is only with determining their guilt or innocence that you are concerned. The fact that one of the defendants is not on trial now before you raises no presumption as to the guilt or innocence of any defendant on trial now, and must be considered by you in no way in considering the guilt or innocence of those defendants on trial before you.

The indictment is merely the paper charge and formal accusation against the defendants, which they have had no opportunity to answer before this trial. The indictment is not to be considered by you

as evidence in any sense against the defendants, and the [87] fact that the indictment has been returned by the Grand Jury is not to be considered by you as evidence of truth of what it states. The burden is always on the Government to prove the defendants guilty by competent evidence beyond a reasonable doubt. That burden must be successfully met by the Government before you can convict the defendants.

In this case you must consider separately each and every count of the indictment on which the defendants are being tried. As to those counts, you must decide the guilt or innocence of each of the defendants separately as to each and every count separately, and if you have as to a particular defendant a reasonable doubt under the evidence of any material allegation of the particular count of the indictment you are considering, it is your duty to acquit that defendant as to such count. But if, as to the particular defendant you are considering, you have no such reasonable doubt concerning any such allegation, it is your duty to convict him on each count as to which, under the evidence, you have no such reasonable doubt.

In Count I of the indictment the defendants and each of them are charged with knowingly, wilfully, unlawfully, and feloniously combining, conspiring, confederating, and agreeing together and with each other to transport and cause to be transported, to aid and assist in obtaining transportation for, and in transporting women in interstate commerce from

the City of Portland in the State of Oregon, to the City of Seattle, in the State of Washington, and from the City of Seattle, in the State of Washington, to the City of Portland, in the State of Oregon, for the purpose of prostitution, debauchery, concubinage, and other immoral practices in violation of the White Slave Traffic Act.

Count I further alleges that the said defendants and each of them did commit certain overt acts in furtherance and in pursu- [88] ance of the said conspiracy, and in order to effect the objects thereof and to effect unlawful agreement.

The law makes it unlawful for two or more persons to combine, conspire, confederate and agree together and with each other to commit any offense against the United States of America, particularly in this case, the aiding and assisting in obtaining transportation for, and in transporting women in interstate commerce for the purpose of prostitution, debauchery, and concubinage, and if any person or persons do combine, conspire, and confederate with each other to transport women in interstate commerce for the aforesaid immoral purposes, then such person or persons are guilty of violations of the laws of the United States.

In Count II of the indictment the defendants and each of them are charged with knowingly, wilfully, unlawfully and feloniously transporting and causing to be transported, and aiding and assisting in obtaining transportation for a certain woman, to wit, June Allen, alias June Woods, in interstate

commerce from the City of Portland in the State of Oregon to the City of Seattle in the State of Washington for immoral purposes, to wit, for the purpose of prostitution, debauchery, concubinage, and other immoral purposes in the City of Seattle in the State of Washington.

The law forbids any person to transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting in interstate commerce any woman for immoral purposes, to wit, for the purpose of prostitution, debauchery, concubinage, and other immoral purposes, and any such person who transports or causes to be transported, or aids and assists in obtaining transportation for any woman from one state to another for immoral purposes aforesaid, is guilty of violations of the laws of the United States.

Each of the defendants on trial, as well as each defendant in a criminal case, is presumed innocent of the charges contained [89] in the indictment until he is proved guilty by the evidence beyond a reasonable doubt, and this presumption is one of his important rights, not to be ignored or lightly considered by the Court or jury. It is one of the important rights which the law accords all persons accused of a crime. It adheres to them and continues with them throughout all stages of your deliberations until it has been overcome by competent evidence in the case, and until the guilt of a particular defendant has been established by the evidence beyond a reasonable doubt, notwithstanding the pre-

sumption of innocence with which the law clothes all accused persons. This applies to each defendant on trial here.

The expression "reasonable doubt" is meant in law just what those words in their ordinary and every day use imply. They have no technical or legal meaning different from their ordinary meaning. A reasonable doubt is a doubt which is based upon reason or is a doubt that is not unreasonable, and not merely imaginary or capricious. It is such a doubt as, if entertained by a person of ordinary prudence, sensibility and decision, he would allow to influence him in transacting the graver or more important affairs of life, causing him to pause or hesitate before acting thereon. It must be a real and substantial doubt, and it must rise out of the honest minded, commonsense consideration and application of the evidence in the case, or from lack of evidence in the case.

If from a fair and candid consideration of all the evidence you can say upon your oath as jurors that you have an abiding conviction of the truth of the charge to a moral certainty, then you have no reasonable doubt and should convict. If you have no such moral convictions, or if you entertain doubts for which sane and satisfactory reasons can be assigned in your own minds, you must give defendants the benefit of that doubt and find them not guilty.

A conspiracy, as the word is used in the conspiracy law and in the first count of the indictment,

is an agreement between [90] two or more persons acting on a common purpose to commit an offense; insofar as this case is concerned the particular offense, or one of them, described in the first count.

There can be no conspiracy of any kind unless three elements are present. Those are, first, the act of conspiring together of two or more persons; second, to commit the particular offense charged in the indictment; and third, the doing of something in furtherance of such unlawful design.

There is no such thing as one person conspiring. A person who alone plans and commits a criminal act is not guilty of conspiracy.

It is not necessary to render a person guilty of conspiracy that he be one of the original persons forming the conspiracy. He may have joined it after its formation. If so, he thereby becomes as guilty as one of the original conspirators.

However, to render such a person guilty under such law, it is necessary that after he has become a member of such conspiracy, some act be done by one of the conspirators toward carrying out the unlawful agreement of the conspiracy.

In order to establish the guilt of a particular defendant under the conspiracy count, it is necessary that the Government prove beyond a reasonable doubt that the conspiracy was founded as alleged, and that it was entered into by the particular defendant as charged, and second, that after that particular defendant became a member of such conspiracy, one or more of the overt acts of the con-

spiracy was committed as alleged in the indictment.

The common purpose, design, agreement, and cooperation among the participants are the essence of the conspiracy. To prove a conspiracy existed and was in operation, it is not necessary that two or more persons entered into a written or expressed agreement, or made any formal declaration acknowledging membership in the conspiracy, but it is necessary to prove by competent evidence [91] beyond a reasonable doubt that they cooperated in furtherance of a common and unlawful plan previously formed. Conspiracy may exist either to do something unlawful or to do any lawful thing in an unlawful way.

You will note Count I of the indictment purporting to the charge of conspiracy sets forth a number of so called overt acts, but you are instructed that mere proof of overt acts as charged in Count I of the indictment herein, alone proves no conspiracy without further proof beyond a reasonable doubt of an unlawful agreement entered into by two or more persons named in the indictment herein to commit the unlawful acts charged in Count I of the indictment. This is true even though evidence shows the overt acts are acts alleged to be unlawful in themselves.

You are further instructed that such overt act or overt acts must be found from the evidence to be clearly referable to the unlawful agreement provided you find from the evidence that such unlawful agreement in fact did exist as alleged in Count I of

the indictment herein. Even participation in the offense itself which is alleged to be the object of the conspiracy does not necessarily prove a participant guilty of such conspiracy.

There must in addition thereto be proof beyond a reasonable doubt of the unlawful agreement and participation therein by the particular defendant or defendants with knowledge on his or their part of the existence of the unlawful agreement charged in the indictment. These matters must be proved by the evidence beyond a reasonable doubt. The unlawful agreement is the gist of the offense of conspiracy and unless you find two or more of the persons named in the indictment herein so entered into the unlawful agreement specifically charged in the indictment, and actively participated therein, and that one or more of the defendants committed at least one of the overt acts alleged in Count I of the indictment, with knowledge of such unlawful agreement, you are not at liberty to return a verdict of guilty herein with [92] respect to Count I of the indictment.

It is not necessary that the Government establish the time of the formation of the conspiracy exactly. Nor need the Government show the dates of the overt acts charged.

If in this case a conspiracy existed, it ceased to exist upon the arrest of the defendants and no acts done nor statements made by any one of them, thereafter, can be considered by you as evidence of the existence of conspiracy.

It is not necessary that all of the parties to the conspiracy know what the others did, nor need all conspirators be acquainted with each other or have previous association with each other. One conspirator may know but one other member of the conspiracy, but if he, knowing that the others have combined and are cooperating to further the object of the conspiracy, consciously participates therein, he is a conspirator.

You are instructed that on the question of whether the alleged conspiracy existed as charged, you are not to consider any statements made or acts done by any defendant in furtherance of the alleged conspiracy in the absence of other defendants except against the individual making the statements or doing the acts, unless you are convinced by the evidence beyond a reasonable doubt that the defendant so making such statements or doing such acts was authorized by another or other of the defendants to make those statements or do those acts in furtherance of the alleged conspiracy. And in such case you will consider such evidence only against the defendant actually making the statements or doing the acts, and such other defendants as you shall be convinced by the evidence beyond a reasonable doubt, if you are so convinced, authorized the making of such statements or the doing of such acts.

But where an unlawful object is sought to be effected, and two or more persons actuated by a common purpose, pursue a preconceived plan to ac-

comply with that purpose, act and work together in [93] furtherance of the unlawful scheme, each party is a party to the conspiracy, no matter what part he takes in the execution of the unlawful plan. And if two or more persons are proven to have combined together for the same illegal purpose, any act done by one of the parties in furtherance of the original concerted plan is in contemplation of the law the act of all those parties. Likewise, if a conspiracy has been established by the evidence beyond a reasonable doubt, every one of the conspirators is bound by the declarations and acts of the co-conspirators in furtherance of the conspiracy, and under those circumstances the acts and statements of one done and made in furtherance of the conspiracy, are the acts and statements of all the persons who are members of the conspiracy.

You are instructed that a crime may consist of many acts, all of which must be committed in order to complete the offense. But each person present, in doing one act which is an ingredient of the crime, or immediately connected with or leading to its commission, is as much a principal as if he had with his own hands committed the offense.

You are instructed that to find the defendants, or any of them, guilty of the offenses charged in Count II of the indictment, it is not necessary to find that they, or any of them, personally committed all of the acts charged. If you find that they, or any of them, aided, abetted, counselled, commanded, induced or procured the commission of

the alleged crime, then each defendant, if any, who did that is just as guilty as if he individually completely perpetrated the crime himself.

You are instructed that a witness who is a prostitute is competent to testify; that the showing that such witness is a prostitute is for the purpose of affecting the credibility to be given such witness, and the weight to be given her testimony.

You are instructed that no person offered as a witness should be excluded from giving evidence by reason of conviction of a [94] crime, but such conviction may be shown to effect his credibility.

The term "interstate commerce" includes transportation of a woman from one state to another for immoral purposes, to wit, for the purpose of prostitution, debauchery, and concubinage. Transportation of women in interstate commerce for immoral purposes, to wit, for the purpose of prostitution, debauchery, and concubinage, may be effected partly by private automobile and partly by common carrier, such as bus or street car.

The Mann Act or White Slave Traffic Act here involved properly applies to cases where there is interstate traffic in commercial sexual vice, not those cases involving exclusively local activities in prostitution unconnected with interstate commerce in women or girls for that purpose.

If from the evidence you find that the movement of the prostitute mentioned in the evidence from Portland to Seattle, or Seattle to Portland, had no

connection with interstate traffic or commerce in a woman for the purpose of having her engage in the business of prostitution or debauchery at Seattle, then you should acquit all these defendants.

It is not sufficient for conviction as to any one of the defendants merely that he or she carried on an unlawful business in Seattle or elsewhere. In order to find any one of the defendants guilty you must find that he or she knowingly, wilfully, unlawfully or feloniously transported or caused to be transported, or aided and assisted in obtaining transportation for the woman in question from Portland to Seattle, or Seattle to Portland, for the purpose of prostitution or debauchery, or that he or she knowingly, wilfully, unlawfully or feloniously conspired with another defendant or other defendants to so transport or cause such woman to be transported, or to aid and assist in such woman to be transported for such purpose, and if so conspiring, some one or more of the alleged overt acts were committed by one of the defendants for the purpose of effecting the object of the conspiracy. [95]

I instruct you that the witness, Marie Harris, is charged in the indictment as a co-defendant and is known in law as an alleged accomplice with the defendants on trial. An accomplice is defined to be concerned with others in said crime. Even accomplices in a crime are competent witnesses and the Government has the right to present their testimony and the jury may properly consider it. The testimony of an accomplice, however, comes from a pol-

luted source and should be received with caution and weighed with great care. While it is true that a jury may convict on such testimony alone, yet the jury should not rely upon it unsupported for a conviction unless it produces in their minds a positive conviction of its truth. If it does, the jury should act on it.

In considering the testimony of Marie Harris, you should consider her appearance and demeanor on the witness stand, her manner of testifying, the improbability or probability of the facts to which she testified, her motives or interest in the case, whether her testimony was given on the promise or hope of reward, or of mitigation of her offense, her apparent fairness or lack of fairness, apparent candor or lack of candor, the reasonableness or unreasonableness of the story such witness relates, whether or not her testimony is consistent with the other evidence or admitted facts in the case, and any other fact or circumstances arising from the evidence which appeals to your judgment as any way affecting the credibility of such witness.

You are thereby instructed that you are to receive the testimony of such accomplice witness with caution and examine it with great care. This does not mean, however, that you are to arbitrarily reject it. It only means that you are to receive it with caution and examine it with great care. If, however, having done so and considering such testimony in the light of all these rules, you thereafter believe in the truth of such witness' testimony, then

you should give it the same credence as the testimony of any other witness. [96]

Intent is an ingredient of crime. It is psychologically impossible for you to enter into the mind of any defendant and determine the intent with which he operated. You must, therefore, determine the motive, purpose and intent from the testimony which has been presented and you will consider all the facts and circumstances disclosed by the testimony of witnesses, bearing in mind that the law presumes that every man intends the legitimate consequences of his own acts. Wrongful acts, knowingly or intentionally committed, cannot be justified on the ground of innocent intent. The color of the act determines the complexion of the intent.

There are two kinds of evidence, direct or positive, and circumstantial. Direct or positive testimony is that which a person observes or sees, or which is susceptible of demonstration by the senses. Circumstantial evidence is proof of such facts and circumstances concerning the conduct of the parties which conclude or lead to a certain inevitable conclusion. Circumstantial evidence is legal and competent as a means of proving guilt in a criminal case, but the circumstances must be consistent with each other, consistent with the guilt of the parties charged, inconsistent with their innocence, and inconsistent with every other reasonable hypothesis except that of guilt, and when circumstantial evidence is of that character, it is alone sufficient to

convict. You will review all of the circumstances in the light of this instruction.

You are the sole and exclusive judges of the evidence and of the credibility of the several witnesses and of the weight to be attached to the testimony of each. In weighing the testimony of a witness you have a right to consider his demeanor upon the witness stand, his apparent fairness or lack of fairness, the apparent candor or lack of candor of such witness, the reasonableness or unreasonableness of the story such witness related, and the interest, if any, you may believe a witness feels in the result of the trial, and any other fact or circumstances arising from the evidence which appeals [97] to your judgment as in any way affecting the credibility of such witness, and to give to the testimony of the several witnesses just such degree of weight as in your judgment it is entitled to.

You will be slow to believe that any witness has testified falsely in the case, but if you do, then you are at liberty to disregard the testimony of such witness entirely except insofar as same may be corroborated by other credible evidence in the case.

The defendants on trial having testified as witnesses, the foregoing relating to credibility of witnesses and weight of testimony applies to such defendants and their testimony, as well as to all other witnesses in the case.

You will consider all exhibits and evidence admitted by the court before you, and disregard all testimony not admitted by the Court and all ex-

hibits and evidence stricken by the Court. You will likewise disregard all argument and comment by counsel based on exhibits and evidence not admitted or stricken by the Court and you will consider exhibits and evidence limited in their evidentiary effect by the Court only in accordance with the limitations and conditions expressed by the Court when admitted.

In this connection you are instructed you are not called upon to pass upon the objections or exceptions made or taken by counsel, and should not allow the making of exceptions or objections by counsel to influence you. Statements, if any, by counsel or the Court, unsupported by your own recollection of the evidence, you will disregard. Likewise you will disregard all statements of counsel and the Court made to each other in connection with objections and exception, and rulings thereon, and particularly all statements and directions and remarks addressed by the Court to counsel during the trial.

In your deliberations and in reaching a verdict you should act only upon the evidence which is now before you and the law as given to you by the Court. [98]

The indictment in this case will be sent to the jury room with you merely to show you the paper charge against the defendants, but is not to be considered as evidence. You will take with you to the jury room the exhibits in the case. The verdict is in the usual form. As to each defendant, as to each count, before the word "guilty" is a blank. You

will write in there in each instance the word "is" or "not", as you find. It will require your entire number to agree upon a verdict and when you have agreed you will cause your verdict to be signed by your foreman, whom you will elect among your number immediately upon retiring to the jury room, and return with your verdict into open Court." Defendant Lee excepted to failure of Court to instruct as to perjury of June Allen. Exception allowed.

Whereupon the Jury retired and after deliberation returned into court and rendered their verdict of "Guilty" as to Count I. and "Not Guilty" as to Count II. on the indictment against the defendant Robert DeShay Lee, which will more fully appear in the transcript of the Clerk of the District Court. That thereafter a petition for a new trial was regularly made, as will more fully appear in the said transcript of the Clerk, which was brought on for hearing before the above entitled court on the 5th day of November, 1938, argued and submitted to the court, and by the court denied, to which denial, and to the entry thereof, the defendant excepted at the time of the entry of said order denying same, and his exceptions were allowed by the court; whereupon judgment was pronounced and defendant sentenced, as will more fully appear in the Clerk's transcript.

Wherefore, counsel for the defendant presents the foregoing Bill of Exceptions in the above entitled cause and prays that the same may be settled

and allowed, as provided by the rules and practices of the court.

GEO. H. CRANDELL

Attorney for defendant,
Robert DeShay Lee

P. O. & Office Address:

1702 Smith Tower,
Seattle, Washington.

Foregoing bill approved.

GEO. H. CRANDELL

Atty. for Def.

Robert DeShay Lee

Approved:

G. D. HILE

Asst. U. S. Atty.

[99]

State of Washington
County of King—ss.

I, John C. Bowen, Judge of the District Court of the United States for the Western District of Washington, Northern Division, and Judge before whom the foregoing cause entitled, "United States of America, Plaintiff, versus Vernon Paul Green, Genevieve Green, Sherman Johnson, Robert DeShay Lee, James Barker and Marie Harris, Defendants," was heard and tried, do hereby certify that the matters and proceedings embodied in the foregoing Bill of Exceptions are matters and proceedings occurring in the said causes, and that the same are hereby made a part of the record therein; and

I further certify that the said Bill of Exceptions, together with all of the exhibits and other written evidence on file in said causes, and attached to said Bill of Exceptions, contains all the material facts, matters and proceedings heretofore occurring in the said causes and not already a part of the record therein; and said Bill of Exceptions and the exhibits attached thereto, are hereby made a part of the record in said causes, the Clerk of the Court being hereby instructed to attach all the exhibits thereto.

Counsel for the respective parties being present and concurring herein, I have this day signed this Bill of Exceptions.

In Witness Whereof, I have hereunto set my hand this 15th day of December, 1938.

JOHN C. BOWEN

Judge of the District Court
of the United States.

[Endorsed]: Filed Dec. 15, 1938. G O B 18—
Page 33. [100]

[Endorsed]: No. 9031. United States Circuit Court of Appeals for the Ninth Circuit. Robert DeShay Lee, Appellant, vs. United States of America, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Western District of Washington, Northern Division.

Filed, January 16, 1939.

PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.